

SENATE JOURNAL
— 1981 —
REGULAR SESSION
FORTY-SEVENTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capitol

Convened January 12, 1981
Adjourned SINE DIE April 26, 1981

VOLUME 1

Compiled, Edited and Indexed by
SIDNEY R. SNYDER, *Secretary of the Senate*



Dorothy Greeley
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
H. A. "BARNEY" GOLTZ, *President Pro Tempore*
*SAM C. GUESS, *President Pro Tempore*
DON L. TALLEY, *Vice President Pro Tempore*
*GEORGE W. CLARKE, *Vice President Pro Tempore*

*Commencing February 13, 1981

SENATE CAUCUS OFFICERS

*REPUBLICAN CAUCUS

Majority Leader JEANNETTE HAYNER
Chairman JOHN JONES
Floor Leader/Vice President
Pro Tempore GEORGE CLARKE
Majority Whip ALAN BLUECHEL
Vice Chairman ELEANOR LEE

**DEMOCRATIC CAUCUS

Minority Leader R. TED BOTTIGER
Chairman GEORGE FLEMING
Assistant Minority Leader A. N. "BUD" SHINPOCH
Minority Whip RUTHE RIDDER
Vice Chairman BRUCE A. WILSON
Secretary R. LORRAINE WOJAHN

*Minority Caucus January 12, 1981 to February 13, 1981

**Majority Caucus January 12, 1981 to February 13, 1981

On Friday, February 13, 1981, the control of the Senate reversed from 25/24 Democrats to 25/24 Republicans because of the change of party affiliation by one of the Senators.

**Deputy Secretary
of the Senate* MARILYN BRACHTENBACH
Assistant Secretary BILL GLEASON
**Secretary to the Secretary* DEE RENDERER
Secretary to the Secretary PATRICIA McNULTY
**Sergeant at Arms* FRED HILDEBRAND
Sergeant at Arms CHARLES JOHNSON
Reader VERNE SAWYER
Minute and Journal Clerk DOROTHY GREELEY
*Commencing February 13, 1981

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1981 REGULAR SESSION
FORTY-SEVENTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 12, 1981.

The Forty-seventh Senate of the State of Washington assembled in the State Capitol, pursuant to law, at noon. Lieutenant Governor John A. Cherberg, President of the Senate, called the Senate to order.

The Color Guard, consisting of Pages Larry Allred and Peter Lamb, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

ROLL CALL

The Acting Secretary called the following roll of holdover members of the Senate and all were present: Senators Max Benitz, Alan Bluechel, George Fleming, Art Gallagher, H. A. "Barney" Goltz, Susan E. Gould, Sam C. Guess, Frank "Tub" Hansen, John D. Jones, Eleanor Lee, King Lysen, James A. McDermott, Ray Moore, Kent Pullen, A. L. "Slim" Rasmussen, Ruthe Ridder, George W. Scott, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, Al Williams, Bruce A. Wilson.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Talmadge and Clarke to escort the Honorable Fred Dore, Justice of the Supreme Court of the State of Washington, to the Senate Chamber and a seat upon the rostrum.

MESSAGE FROM THE SECRETARY OF STATE

**STATE OF WASHINGTON
OFFICE OF THE
SECRETARY OF STATE**

January 12, 1981.

**TO THE HONORABLE, THE PRESIDENT OF THE SENATE,
THE LEGISLATURE OF THE STATE OF WASHINGTON**

OLYMPIA, WASHINGTON

MR. PRESIDENT:

I, Bruce K. Chapman, Secretary of the State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the General Election held in the State of Washington on the fourth day of November, 1980, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "hold-over" Senators:

LIST OF SENATORS ELECTED NOVEMBER 4, 1980

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 1	Bill Kiskaddon	King, part and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part and Thurston, part
No. 3	Margaret Hurley	Spokane, part
No. 4	Bob McCaslin	Spokane, part and Whitman, part
No. 5	Jerry Hughes	Spokane, part
No. 9	E. G. "Pat" Patterson	Adams, Asotin, Garfield, and parts of Columbia, Grant and Whitman
No. 10	Jack Metcalf	Island and Snohomish, part
No. 11	A. N. "Bud" Shinpoch	King, part
No. 12	George L. Sellar	Chelan, Douglas and parts of Grant and Okanogan
No. 14	Alex A. Deccio	Yakima, part
No. 16	Jeannette Hayner	Franklin, Walla Walla, and Columbia part
No. 17	Harold S. "Hal" Zimmerman	Klickitat, Skamania and Clark, part
No. 18	Don L. Talley	Cowlitz, part and Clark, part
No. 19	J. T. Quigg, Jr.	Grays Harbor and Pacific
No. 20	W. H. "Bill" Fuller	Lewis, Wahkiakum and parts of Cowlitz, Pacific and Thurston
No. 22	Dick Hemstad	Thurston, part
No. 23	Ellen H. Craswell	Kitsap, part
No. 24	Paul H. Conner	Clallam, Jefferson, Mason and Thurston, part
No. 25	Marcus S. Gaspard	King, part and Pierce, part
No. 27	R. Lorraine Wojahn	Pierce, part
No. 28	Ted Haley	Pierce, part
No. 39	Dianne Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part
No. 41	George W. Clarke	King, part
No. 44	Donn Charnley	King, part
No. 49	Al Bauer	Clark, part

LIST OF HOLDOVER SENATORS

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 6	Sam C. Guess	Spokane, part
No. 7	Bruce A. Wilson	Ferry, Lincoln, Pend Oreille, Stevens and parts of Okanogan and Spokane
No. 8	Max E. Benitz	Benton and Yakima, part
No. 13	Frank "Tub" Hansen	Kittitas and parts of Grant and Yakima
No. 15	Sid W. Morrison	Yakima, part
No. 21	Sue Gould	Snohomish, part

No. 26	Art Gallagher	Kitsap, part and Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part
No. 31	King Lysen	King, part
No. 32	Al Williams	King, part
No. 33	Eleanor Lee	King, part
No. 34	Phil Talmadge	King, part
No. 35	Ruthe Ridder	King, part
No. 36	Ray Moore	King, part
No. 37	George Fleming	King, part
No. 38	Larry Vognild	Snohomish
No. 42	Barney Goltz	Whatcom, part
No. 43	Jim McDermott	King, part
No. 45	Alan Bluechel	King, part
No. 46	George Scott	King, part
No. 47	Kent Pullen	King, part
No. 48	John D. Jones	King, part

On December 5, 1980, the County Commissioners of Yakima County appointed Irving Newhouse to the position of State Senate, Fifteenth District, to fill the vacancy caused by the resignation of Sid Morrison.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D., 1981.

BRUCE K. CHAPMAN
Secretary of State

(Seal of the State of Washington)

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate and ladies and gentlemen present today. The President, with your permission, would like to exercise the privilege of introducing a former member of the Washington State Senate, the Honorable Fred H. Dore. When Fred came to the rostrum today he greeted me with the remark, 'I'll bet you never expected to see me back in the Senate.' This morning the Honorable Fred H. Dore became a member of the highest Court in the state, the Washington State Supreme Court. Prior to that, Fred was a long-time member of the state House of Representatives, and came to the Senate in 1972 where he remained for quite some time. It is indeed a pleasure to have Justice Dore here this morning to give the oath of office to several of our members. Fred is in good practice because he took the oath this morning himself.

"The President should like to respectfully request that the Sergeant at Arms conduct the newly reelected members individually to the bar of the Senate to receive his or her oath of office. The Sergeant at Arms will please escort the Honorable R. Ted Bottiger to the rostrum."

REMARKS BY JUSTICE DORE

Justice Dore: "First, I would like to say it is a real pleasure to be back here in the Senate which I spent, I think, sixteen years from 1959 to 1974, and I think some of the finest friends I have are past members or present members of the Senate. I enjoyed some of the finest times of my life and had the greatest experiences here in the Senate. It is really great to be back. Thank you. And I appreciate this signal honor of being able to swear in your new members."

ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: R. Ted Bottiger, George W. Clarke, Paul Conner, Marcus Gaspard, Ted Haley, Jeannette Hayner, Margaret Hurley, Lowell Peterson, J. T. Quigg, George L. Sellar, A. N. "Bud" Shipoch, Don L. Talley, R. Lorraine Wojahn, Dianne Woody.

The Acting Sergeant at Arms escorted each of the newly reelected members of the Senate to the bar of the Senate to receive his oath of office.

Justice Dore of the Washington State Supreme Court thereupon administered the oath of office to each of the newly reelected members.

The President presented to each of the newly reelected Senators a certificate of election.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored members of the Senate and ladies and gentlemen. The President believes it significant to remark that the next Senator, Senator Don L. Talley, is the senior Senator of the Washington State Senate, having first come to the Senate in 1957. The sergeant at arms will please escort the Honorable Don L. Talley to the rostrum."

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected and appointed members of the Senate and all were present: Albert Bauer, Donn Charnley, Ellen Craswell, Alex A. Deccio, W. H. "Bill" Fuller, Dick Hemstad, Jerry M. Hughes, Bill Kiskaddon, Bob McCaslin, Jack Metcalf, Irving Newhouse, E. G. "Pat" Patterson, Hal Zimmerman.

The Acting Sergeant at Arms escorted each of the newly elected and appointed members of the Senate to the bar of the Senate to receive his oath of office.

Justice Dore of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected members.

The President presented to each of the newly elected Senators a certificate of election.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored members of the Senate, ladies and gentlemen. It is a very heart warming and delightful sight to see so many wives, husbands, children, relatives, friends and neighbors of the newly elected, reelected, and appointed Senators and I am sure that we all join in offering our heartiest congratulations to these ladies and gentlemen who have just been sworn in along with our very best wishes for their continued success.

"The President is very happy to announce that the Honorable Lorraine Wojahn has called his attention to the fact that former Senator John Petrich who is now a very honored and capable member of the Washington Court of Appeals is present in the Senate chamber. Would Justice Petrich please come to the front so that we may properly recognize and welcome you. Jack was one of our most competent, capable and efficient Senators ever to serve in the Washington State Senate."

ELECTION OF OFFICERS

PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I take a great deal of pleasure in proposing and nominating to you, Senator Barney Goltz as President Pro Tem. I think each of us that has served with Barney and most of you that will soon to have the opportunity to do that and to know and enjoy him as much as all of us do, will realize his fairness, his devotion to the details and to the rules of the Senate and I think that we can all rest assured that we will have added to the custom and the heritage that we serve here, not only the remnants of the Henry rules but the beginning of the Goltz rules."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you Mr. President. Members of the Senate, I would like to second the nomination of Senator Goltz not only because I think that he is a competent and capable person for that job, but I think that, at this time, it would be appropriate if we made a general statement with respect to the organization of the Senate, this being the opening situation with respect to the organization of the Senate.

"I think everyone is aware that the legislature in its entirety is faced with some very difficult problems; and we would like to offer our support in connection with the organization of the Senate in the hopes that we could cooperate in addressing these difficult problems and not engage in unnecessary political bickering. We, of course, realize that in some instances and as to some issues, politics is a necessary part of the operation of this body, and we appreciate that this will inevitably be the case as to some issues. However, we think that the majority of the problems should be approached on a nonpartisan basis and we offer our support in so approaching them.

"Accordingly, we will expect to abide by the organization of the Senate as proposed as long as we are convinced that the general objectives which I have just outlined are being followed. If, however, it should at any time become apparent to us that there is an unnecessary and undue and improper emphasis on a political difference, then we are, in effect, advising you at this time that we will approach certain of your people in whom we have confidence, with the suggestion that proper steps be taken whatever may be necessary, in order to remedy that particular situation. Now, we recognize that where we have a close division as we have here, 25 to 24, that there is the opportunity perhaps, of us becoming unduly apprehensive of political strategies, and both sides may feel that it is dangerous for them to have one or more people off of the floor, or not present at any particular time. We would hope that this type of apprehension can be allayed and as stated, that we can join together in a cooperative manner in endeavoring to solve the very difficult problems that are before us. So we will not offer any nominations in opposition to the slate as scheduled by the majority for the organization of the Senate at this time."

MOTION

Senator Bottiger moved the nominations be closed and a unanimous vote be cast for Senator Goltz.

PARLIAMENTARY INQUIRY

Senator Pullen: "I just wanted to inquire as to whether Senator Bottiger's motion for a unanimous ballot, whether that would preclude a voice vote where the 'ayes' and 'nays' shall be recorded."

REPLY BY PRESIDENT CHERBERG

President Cherberg: "Senator Pullen, in reply to your point, a roll call will be conducted. As many as are in favor of the motion by Senator Bottiger will say 'aye'; those opposed 'no'. The motion is carried, the nominations for the office of President Pro Tem are closed. The Acting Secretary of the Senate will please call the roll on the election of the President Pro Tem."

The motion by Senator Bottiger carried and the nominations were closed.

ROLL CALL

The Acting Secretary called the roll and Senator H. A. "Barney" Goltz was elected President Pro Tempore of the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wilson and Gould as a committee of honor to escort Senator Goltz to the rostrum.

Justice Dore of the Washington State Supreme Court administered the oath of office to Senator Goltz.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen. It is indeed a pleasure for the President to introduce this outstanding and distinguished Senator as the new President Pro Tem. I am delighted with your choice and shall be looking forward with the greatest of interest and pleasure to working with Senator Goltz. I am happy that you, the Senate, showed such good judgment and now if you don't mind, we would like to hear from you Senator Goltz."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Thank you very much, Governor Cherberg; and thank you members, colleagues of the Senate. I think it is apparent already that I have already moved over to the other side of the aisle and maybe it is on that note of harmony that the election became unanimous. It should also be noted that I have moved closer to Senator Guess than I have ever been before, although I still remain just slightly to his left. I think all of you should know after the banquet last night how my name is really pronounced. It is as Governor Cherberg pronounced it, and not as it was pronounced there last night, although I have been called worse things than 'Goltz'; and I was reminded last night during those days in the House when there was more frivolity and we had time to write poetry and things of that kind, I received, during that brief period, a limerick from my son. It said, 'There once was a solon named Goltz, whose legislative talents were lots; and in order to show it, he became a poet, and for this the hots, we have nots.' So I am looking forward to serving in this capacity and I will, as I said in my oath, I will do the best I can to fulfill the obligations of this position. Thank you very much."

REMARKS BY SENATOR GUESS

Senator Guess: "I might add that, now that Senator Goltz is this close to me, I will continue that proselyting and see what we can do to convert him further."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "I think it should also be pointed out, in order to keep Senator Goltz his own modest self, that he certainly will not fill the seat the way his predecessor did."

The committee of honor escorted Senator Goltz to his seat in the Senate Chamber and the committee was discharged.

VICE PRESIDENT PRO TEMPORE

The President declared the nominations to be open for the office of Vice President Pro Tempore of the Senate.

REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, members of the Senate. It is my pleasure to place in nomination the name of Senator Don Talley for the office of Vice President Pro Tem. I have served with Senator Talley longer perhaps than anyone except Sam Guess in this body, first starting out, as I recall the committee on cities, towns and counties; that is when state government was a little bit broader than it is now. Senator Talley chaired that committee. He served ably on many other committees during his years in the legislature. I think he is very deserving and very capable of serving in this capacity and I would urge your support for Senator Talley's nomination."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I would like to rise and second the nomination of Senator Talley and say that Don, in the years that he has been here, has extended every courtesy to those of us on this side of the aisle, and I am sure that the service that he has been to the State of Washington is recognized by all of us."

MOTION

There being no further nominations, on motion of Senator Shinpoch, the nominations were closed.

ROLL CALL

The Acting Secretary called the roll and Senator Don Talley was elected Vice President Pro Tempore by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Peterson and Guess as a committee of honor to escort Senator Talley to the rostrum.

Justice Dore of the Washington State Supreme Court administered the oath of office to Senator Talley.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Heartiest and warmest congratulations, Don; it is wonderful that you are going to be Vice President Pro Tempore and again, the Senate showed how wise they are."

REMARKS BY SENATOR TALLEY

Senator Talley: "Thank you very much on both sides of the aisle. I do deeply appreciate it and I want to assure Senator Clarke that we took notice of your remarks . . . continues to deal this fairly in rules, we won't have any problems."

The committee of honor escorted Senator Talley to his seat in the Senate Chamber and the committee was discharged.

SECRETARY OF THE SENATE

The President declared the nominations to be open for the office of Secretary of the Senate.

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate. I am honored in placing the name of Sidney R. Snyder in nomination for the office of Secretary of the Senate. Those of us who know Sid and have followed the Olympia scene for years now, probably best know him as 'Senator Snyder', the fiftieth Senator of the Washington State Senate. He is responsible for the management, the administration of this body, responsible for its efficient manner in which it is run.

"He has a rather long and prestigious career in service to the State of Washington, particularly here in the Senate. I think it must have been his first job that really taught him the ups and downs of politics. He first came to the Senate in 1949 and had a very prestigious job of being the elevator operator. But it must have been with that great vigor and confidence that he conducts himself, that he was then graduated to bill room supervisor.

"Again following his career, he went in 1957 over to the House and became the Assistant Chief Clerk. But we thought better of him and decided to get him back here, and in 1969 he then became the Secretary of the Senate.

"Sid is a grocer at Long Beach. He is a well-respected individual and I am sure he can be called a friend by each and every one of us here."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, I would like to second the nomination of Sidney Snyder to the office of Secretary of the Senate. The hallmark of Sid's past administrations in dealing with the minority caucus has been one of total fairness. Sid has been a good friend, a person whom we have all respected and we certainly look forward to his continued service as Secretary of the Senate. He has the wholehearted support of the Republic caucus. Thank you."

REMARKS BY SENATOR TALLEY

Senator Talley: "I know it is not appropriate, but I would like to remark that Sid was raised in south Kelso, a part of my district. I knew him when he was very small and I certainly think he has grown with this job."

MOTION

There being no further nominations, on motion of Senator Ridder, the nominations were closed.

ROLL CALL

The Acting Secretary called the roll and Sidney R. Snyder was elected Secretary of the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Fleming and Jones to escort Sidney R. Snyder to the rostrum.

Justice Dore of the Washington State Supreme Court administered the oath of office to Sidney R. Snyder.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored and esteemed members of the Senate, ladies and gentlemen. The members of the Senate, and indeed all the people of the State of Washington are fortunate to have a man of Sid Snyder's capability, character, integrity and honesty serving as Secretary of the Senate. I do believe that Sid Snyder has to be the best legislative official in the country; and I know no one, and I am sure you don't either, who holds your confidence as strongly as Sid Snyder. Sid, congratulations; now won't you please honor us with a few words?"

REMARKS BY SID SNYDER

Mr. Snyder: "President Cherberg, ladies and gentlemen of the House . . . Senate. I certainly appreciate all the kind words spoken here today and I hope you are saying nice things about me when the end of the session comes about. I want to express my sincere thanks to all of you and pledge the cooperation, not only of myself but the entire staff of the Senate in trying to make your job and tasks around here as easy as possible during the next 105 days. Thank you kindly."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I cannot help but comment that that little Freudian slip illustrates the profound influence of Si Holcomb, the old Clerk of the House, had in connection with Sid's early training. He still thinks back to those House days, I know."

SERGEANT AT ARMS

The President declared the nominations to be open for the office of Sergeant at Arms of the Senate.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate. I wish to present the name of Charlie Johnson, Sergeant at Arms, to serve the Senate for the

succeeding term. You all know Charlie; you may not know that Charlie served in the House, 1951, Sergeant at Arms in the House in 1957, and since 1957 up to the present time and hopefully he will be reelected, he has served continuously in the Senate. He has progressed considerably through several sets of rules and several sets of Senators, and is still going strong.

"Charlie has four children and eight grandchildren, as you well know as the children go through both the House and the Senate. We have many of them each session. It's good to have a person who is experienced in child care. I know that we who have young children, or have had young children, many times put them in charge of the Sergeant at Arms. He does a good job for us in every phase of the work and I urge you support for the nomination of Charlie Johnson as Sergeant at Arms."

MOTION

There being no further nominations, on motion of Senator Bottiger, the nominations were closed.

ROLL CALL

The Secretary called the roll and Charlie Johnson was elected Sergeant at Arms by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hurley and Quigg as a committee of honor to escort Charlie Johnson to the rostrum.

Justice Dore of the Washington State Supreme Court administered the oath of office to Charlie Johnson.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored members of the Senate and other distinguished ladies and gentlemen. The President believes that it is of great significance to remark that Charlie Johnson, along with Senator Talley and one other official is also one of three remaining from the Senate class of 1957; so Charlie you must have something on the ball to hang in there as long as you have. Must be that you are a hard worker, industrious, efficient, and capable, so you will have to come up here and make a few remarks, Charlie."

REMARKS BY CHARLIE JOHNSON

Charlie Johnson: "Governor Cherberg, thank you. Thank you, Senators. Governor Cherberg is the other one that came over in '57. I appreciate your vote very much and I will do the best of my ability to serve you well. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I would like to point out to the body and all those present, that that ever-endurable former Senator Dore, now Justice Dore, has done

more work today probably than the whole Supreme Court; and he is bearing up well so that argues well for the future."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Due to your friendly remarks, Senator Rasmussen, the President believes that it is fitting and proper for the committee of honor, Senator Talmadge, Senator Clarke, and we hope that you also come up, Senator Rasmussen, and escort our highly respected and esteemed Justice of the Supreme Court from this chamber to his chamber."

PERSONAL PRIVILEGE

Senator Hurley: "Mr. President, I would just like to say a few words on a point of personal privilege. I would just like to have the members of the Senate know that today marks the twenty-eighth anniversary of Judge Fred Dore and my entrance into the political scene. It was in 1953 that we both served our first session in the House of Representatives; and after that we were seat-mates for the next ten years until after he left for the Senate. To have him swear me in today makes this a most memorable day. I didn't think it would ever happen to either one of us and I am so delighted, I just had to bring it to the attention of all of you. Thank you very much, and thank you Fred."

The committee of honor consisting of Senators Talmadge, Clarke and Rasmussen escorted Justice Fred Dore from the Senate Chamber to his office in the Temple of Justice.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hansen, Hemstad and Bauer to escort the Honorable Lyle Watson, Mayor of Olympia, the Honorable Wes Barclift, Mayor of Tumwater and The Honorable Mark Brown, Mayor of Lacey to a place upon the rostrum.

With permission of the Senate, business was suspended to permit the honored guests to address the Senate.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The President wishes to express his appreciation to Senator McCaslin for calling attention to the presence of one of the state's leading public officials, the very highly respected and capable mayor of Spokane, the Honorable Ron Bair, is seated in the south gallery and is accompanied by his lovely, charming and beautiful wife, Mrs. Bair. Won't you please stand in order that the members may properly recognize and welcome you."

The committee of honor consisting of Senators Hansen, Hemstad and Bauer escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1981-1

By Senators Bottiger, Fleming, Hayner and Jones:

BE IT RESOLVED, That a committee of three be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1981-1, the President appointed Senators Hughes, Craswell and Charnley to notify the House of Representatives that the Senate was organized and ready to transact business.

MOTION

On motion of Senator Bottiger, the appointees were confirmed.
The committee retired to the House of Representatives.

MOTION

On motion of Senator Shinpoch, the following resolution was adopted:

SENATE RESOLUTION 1981-2

By Senators Bottiger, Fleming, Hayner and Jones:

BE IT RESOLVED, That the courtesies of the Senate are hereby extended to all former presidents, former members and former secretaries of the Senate.

MOTION

On motion of Senator Ridder, the following resolution was adopted:

SENATE RESOLUTION 1981-3

By Senators Bottiger, Fleming, Hayner and Jones:

BE IT RESOLVED, That the State Treasurer is hereby directed to draw the warrants for payment of the members' subsistence allowance and employees' salaries every seventh day of the session upon subsistence payrolls which shall be certified to by the President and Secretary of the Senate, and is hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking receipt therefor.

COMMITTEE ASSIGNMENTS

The President announced the following committee assignments:

SENATE STANDING COMMITTEE ASSIGNMENTS—1981

- AGRICULTURE (6)—HANSEN, CHAIRMAN; Deccio, Gaspard, Jones, Hayner, Wilson.
 COMMERCE AND LABOR (7)—LYSEN, CHAIRMAN; Deccio, Hurley, Moore, Newhouse, Quigg, Vognild.
 CONSTITUTIONS AND ELECTIONS (7)—WOODY, CHAIRMAN; Fuller, Gould, Metcalf, Peterson, Ridder, Williams.
 ECOLOGY (7)—VOGNILD, CHAIRMAN; Bluechel, Goltz, Guess, Haley, Hansen, Williams.
 EDUCATION (7)—GASPARD, CHAIRMAN; Craswell, Fleming, Gould, Kiskaddon, McDermott, Talmadge.
 ENERGY AND UTILITIES (12)—WILLIAMS, CHAIRMAN; Bottiger, Fuller, Gould, Hemstad, Hurley, Lysen, McCaslin, Moore, Newhouse, Quigg, Wilson.
 FINANCIAL INSTITUTIONS AND INSURANCE (7)—WOJAHN, CHAIRMAN; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.
 HIGHER EDUCATION (7)—CHARNLEY, CHAIRMAN; Benitz, Goltz, McDermott, Patterson, von Reichbauer, Scott.
 JUDICIARY (11)—TALMADGE, CHAIRMAN; Bottiger, Clarke, Hayner, Hemstad, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

- LOCAL GOVERNMENT (9)**—WILSON, CHAIRMAN; Bauer, Charnley, Hansen, Hemstad, McCaslin, Pullen, Talley, Zimmerman.
- NATURAL RESOURCES (11)**—PETERSON, CHAIRMAN; Conner, Gallagher, Haley, Metcalf, Patterson, Rasmussen, Talley, Vognild, von Reichbauer, Zimmerman.
- PARKS AND RECREATION (6)**—HURLEY, CHAIRMAN; Fuller, Hughes, Lee, Quigg, Rasmussen.
- RULES (15)**—LT. GOV. CHERBERG, CHAIRMAN; Bauer, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hughes, Jones, Ridder, Scott, Sellar, Shinpoch, Talley.
- SOCIAL AND HEALTH SERVICES (7)**—MOORE, CHAIRMAN; Conner, Craswell, Kiskaddon, McCaslin, Ridder, Talmadge.
- STATE GOVERNMENT (7)**—RASMUSSEN, CHAIRMAN; Benitz, Fleming, Gallagher, Lee, McDermott, Moore.
- TRANSPORTATION (15)**—von REICHBAUER, CHAIRMAN; HANSEN, VICE CHAIRMAN; TALLEY, VICE CHAIRMAN; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Lysen, Metcalf, Patterson, Peterson, Sellar, Vognild.
- WAYS AND MEANS (21)**—McDERMOTT, CHAIRMAN; GASPARD, FIRST VICE CHAIRMAN; WOJAHN, SECOND VICE CHAIRMAN; Bauer, Bluechel, Craswell, Deccio, Fleming, Goltz, Haley, Hughes, Jones, Lee, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Woody, Zimmerman.

SENATE INDIVIDUAL COMMITTEE ASSIGNMENTS—1981

- BAUER, ALBERT**—Financial Institutions and Insurance, Local Government, Rules, Ways and Means.
- BENITZ, MAX E.**—Higher Education, State Government, Transportation.
- BLUECHEL, ALAN**—Ecology, Financial Institutions and Insurance, Ways and Means.
- BOTTIGER, R. TED**—Energy and Utilities, Financial Institutions and Insurance, Judiciary, Rules.
- CHARNLEY, DONN**—Higher Education, Chairman; Local Government, Transportation.
- CLARKE, GEORGE W.**—Financial Institutions and Insurance, Judiciary, Rules.
- CONNER, PAUL**—Natural Resources, Rules, Social and Health Services, Transportation.
- CRASWELL, ELLEN**—Education, Social and Health Services, Ways and Means.
- DECCIO, ALEX A.**—Agriculture, Commerce and Labor, Ways and Means.
- FLEMING, GEORGE**—Education, Rules, State Government, Ways and Means.
- FULLER, W. H. "BILL"**—Constitutions and Elections, Energy and Utilities, Parks and Recreation.
- GALLAGHAN, ART**—Natural Resources, State Government, Transportation.
- GASPARD, MARCUS**—Education, Chairman; Ways and Means, First Vice Chairman; Agriculture.
- GOLTZ, H. A. "BARNEY"**—Ecology, Higher Education, Rules, Ways and Means.
- GOULD, SUSAN**—Constitutions and Elections, Education, Energy and Utilities.
- GUESS, SAM C.**—Ecology, Rules, Transportation.
- HALEY, TED**—Ecology, Natural Resources, Ways and Means.

HANSEN, FRANK "TUB"—Agriculture, Chairman; Transportation, Vice Chairman; Ecology, Local Government.

HAYNER, JEANNETTE—Agriculture, Judiciary, Rules.

HEMSTAD, DICK—Energy and Utilities, Judiciary, Local Government.

HUGHES, JERRY M.—Judiciary, Parks and Recreation, Rules, Ways and Means.

HURLEY, MARGARET—Parks and Recreation, Chairman; Commerce and Labor, Energy and Utilities.

JONES, JOHN D.—Agriculture, Rules, Ways and Means.

KISKADDON, BILL—Education, Social and Health Services, Transportation.

LEE, ELEANOR—Parks and Recreation, State Government, Ways and Means.

LYSEN, KING—Commerce and Labor, Chairman; Energy and Utilities, Transportation.

McCASLIN, BOB—Energy and Utilities, Local Government, Social and Health Services.

McDERMOTT, JAMES A.—Ways and Means, Chairman; Education, Higher Education, State Government.

METCALF, JACK—Constitutions and Elections, Natural Resources, Transportation.

MOORE, RAY—Social and Health Services, Chairman; Commerce and Labor, Energy and Utilities, State Government.

NEWHOUSE, IRVING—Commerce and Labor, Energy, Judiciary.

PATTERSON, E. G. "PAT"—Higher Education, Natural Resources, Transportation.

PETERSON, LOWELL—Natural Resources, Chairman; Constitutions and Elections, Transportation.

PULLEN, KENT—Judiciary, Local Government, Ways and Means.

QUIGG, J. T.—Commerce and Labor, Energy and Utilities, Parks and Recreation.

RASMUSSEN, A. L. "SLIM"—State Government, Chairman; Natural Resources, Parks and Recreation, Ways and Means.

RIDDER, RUTHE—Constitutions and Elections, Rules, Social and Health Services, Ways and Means.

SCOTT, GEORGE W.—Higher Education, Rules, Ways and Means.

SELLAR, GEORGE L.—Financial Institutions and Insurance, Rules, Transportation.

SHINPOCH, A. N. "BUD"—Financial Institutions and Insurance, Judiciary, Rules, Ways and Means.

TALLEY, DON L.—Transportation, Vice Chairman; Local Government, Natural Resources, Rules.

TALMADGE, PHIL—Judiciary, Chairman; Education, Social and Health Services, Ways and Means.

VOGNILD, LARRY L.—Ecology, Chairman; Commerce and Labor, Natural Resources, Transportation.

von REICHBAUER, PETER—Transportation, Chairman; Higher Education, Natural Resources.

WILLIAMS, AL—Energy and Utilities, Chairman; Constitutions and Elections, Ecology.

WILSON, BRUCE A.—Local Government, Chairman; Agriculture, Energy and Utilities.

WOJAHN, R. LORRAINE—Financial Institutions and Insurance, Chairman; Ways and Means, Second Vice Chairman; Judiciary.

WOODY, DIANNE—Constitutions and Elections, Chairman; Judiciary, Ways and Means.

ZIMMERMAN, HAL—Local Government, Natural Resources, Ways and Means.

MOTION

On motion of Senator Bottiger, the committee assignments as announced by the President of the Senate were confirmed.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Bottiger, Fleming, Hayner and Jones:

Adopting the joint rules.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 103 was advanced to second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 103 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I am looking at page 3, line 15, sub (3). 'A legislator shall not ask, receive or agree to receive anything of value upon any understanding', and the new material, 'the legislator's vote, opinion, judgment or action will be influenced thereby.'

"My question, Senator Bottiger, if I went to Senator Gould and said 'Senator Gould, I'll vote for your bill if you will vote for mine.' That would then be receiving something of value for the promise of a vote — yes or no?"

Senator Bottiger: "Well Senator Rasmussen, I would like to refer that to the ethics committee. You catch me unprepared with no research. I would hate to venture a comment that I might later find had been considered otherwise by the courts or by the legislative body."

Senator Rasmussen: "Well, further, Senator Bottiger, I wanted to have it clearly understood there is a long-standing court decision on that. I would like to have it plainly understood that Senator Gould and I have never traded votes; we have been friendly adversaries sometimes on a vote, but there is a court decision and I would presume that would be receiving something of value and I would like it, when we adopt the rules if everybody would know that."

Senator Bottiger: "Senator, I guess you have asked the wrong person. I do not know the answer. You have cited a court decision which I have not read; I do not know the answer to your question, sir."

Senator Rasmussen: "I will provide you with the court decision."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. In response to the inquiry by Senator Rasmussen, I am quite sure it would be our position that, in effect, trading of votes on a basis other than the separate merits of each piece of legislation, certainly is not ethical procedure on the part of a member of either the House or Senate. My

answer to your inquiry would be that it is not ethical to do that and it would be prohibited under the rules; and I think that is the way we would conduct ourselves."

PERSONAL PRIVILEGE

Senator Gould: "I just wanted to reemphasize what Senator Rasmussen said, that we have never traded a vote. I also want to emphasize that we have never asked each other to trade a vote; but I am glad to know he considers my vote of some value."

MOTION

Senator Peterson moved that Senate Concurrent Resolution No. 103 be held for consideration at a later time.

Debate ensued.

There being no objection, Senator Peterson withdrew his motion to hold Senate Concurrent Resolution No. 103 to a later time.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 103.

ROLL CALL

The Secretary called the roll and the resolution passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Charnley, Craswell, Hughes—3.

SENATE CONCURRENT RESOLUTION NO. 103, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 102, by Senators Bottiger, Fleming, Hayner and Jones:

Establishing cut-off dates for introduction and consideration of legislation during the 1981 regular session of the 47th Legislature.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 102 was advanced to second reading and read the second time in full.

Senator Hayner moved the following amendments be considered and adopted simultaneously:

On page 1, line 19 after "budget)" strike "and" and insert: "," and after "revenue" insert: "and redistricting".

On page 1, line 22 after "budget)" strike "and" and insert: "," and after "revenue" insert: "and redistricting".

On page 1, line 26 after "budget)" strike "and" and insert: "," and after "revenue" insert: "and redistricting".

On page 2, line 5 after "budget)" strike "and" and insert: "," and after "revenue" insert: "and redistricting".

On page 2, line 8 after "budget)" strike "and" and insert: ", " and after revenue" insert: "and redistricting".

On page 2, line 13 after "budget)" strike "and" and insert: ", " and after "revenue" insert: "and redistricting".

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments proposed by Senator Hayner.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 102, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 102 and the resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE CONCURRENT RESOLUTION NO. 102, having received the constitutional majority, was declared passed.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I am going to shortly make a motion that the Senate be at ease subject to the call of the President. I want to publicly assure everyone that there will be no formal business transacted with the exception of the adoption of the resolution organizing the legislature. We have one more to pass to nominate a committee to advise the Governor that we are organized. We have to do that in order to open the session. And apparently the House has found something to fight about already and we will just have to wait for them to finish their fight so we can pass our resolutions and our business. But I am aware that members of the Republican caucus have a funeral to attend and I want to assure them that we will not take advantage of that situation."

A moment of silence was observed by the Senate for Jack Bowen, a member of the Senate staff.

REPORT OF COMMITTEE

The Senate committee composed of Senators Hughes, Charnley and Craswell reported back to the Senate that the House of Representatives had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored members of the Senate, the President should like to extend a cordial invitation to each and every one of you, along with your relatives, to visit the office of the Lieutenant Governor for a social engagement."

MOTION

At 2:33 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 2:45 p.m.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Schmitt, Wang, Taylor and Hine appeared before the bar of the Senate and notified the Senate the House was organized and ready to transact business.

The report was received and the committee retired to the House of Representatives.

MOTION

At 2:48, on motion of Senator Bottiger, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 3:45 p.m.

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

MESSAGE FROM THE HOUSE

January 12, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 1, by Representatives Nelson and King:

Notifying the Governor that the 1981 regular session of the forty-seventh legislature is organized, and inviting the Senate to Joint Sessions.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 1 was advanced to second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 1 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 1, the President appointed Senators Rasmussen, Newhouse, Woody and Moore to join with a like committee from House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Bottiger, the appointments were confirmed.

MOTION

At 3:49 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Tuesday, January 13, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 13, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Conner. On motion of Senator Bottiger, Senator Conner was excused.

The Color Guard, consisting of Pages Greg Peters and Pam Downing, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

January 12, 1981

THE HONORABLE, PRESIDENT OF THE STATE SENATE.
THE LEGISLATURE OF THE STATE OF WASHINGTON.
OLYMPIA, WASHINGTON.

MR. PRESIDENT:

I have the honor of herewith submitting a recapitulation of the votes cast on the state measures and federal and statewide offices at the State General Election held on the fourth day of November, 1980, as canvassed by me from the returns made to this office by the county auditors of the state.

Initiative Measure 383

Shall Washington ban the importation and storage of non-medical radioactive wastes generated outside Washington, unless otherwise permitted by interstate compact?

Yes	1,211,606
No	393,415

Referendum Bill 38

Shall \$125 million in state general obligation bonds be authorized for planning, acquisition, construction and improvement of water supply facilities?

Yes	1,008,646
No	527,454

Referendum Bill 39

Shall \$450,000,000 in state general obligation bonds be authorized for planning, designing, acquiring, constructing and improving public waste disposal facilities?

Yes	964,450
No	558,328

Senate Joint Resolution 132

Shall the constitution be amended to provide that the state no longer disclaim all rights to unappropriated federal public lands?

Yes	579,060
No.....	864,850

House Joint Resolution 37

Shall a judicial qualification commission be created and the supreme court empowered to discipline or remove judges upon its recommendation?

Yes	1,043,490
No.....	464,941

President and Vice President

Ronald Reagan and George Bush (R)	865,244
Jimmy Carter and Walter F. Mondale (D)	650,193
John B. Anderson and Patrick J. Lucey (Independent Candidates)	185,073
Clifton DeBerry and Matilde Zimmerman (Socialist Workers).....	1,137
Dierdre Griswold and Larry Holmes (Workers World)	341
Gus Hall and Angela Davis (Communist)	834
David McReynolds and Diane Drufenbrock (Socialist)	956
Barry Commoner and LaDonna Harris (Citizens)	9,403
Edward E. Clark and David Koch (Libertarian).....	29,213

U. S. Senate

Slade Gorton (R)	936,317
Warren G. Magnuson (D)	792,052

U.S. Representative, 1st District

Joel Pritchard (R)	180,475
Robin Drake (D)	41,830
Maurice Willey (Libertarian)	8,229

U.S. Representative, 2nd District

Neal Snider (R)	82,639
Al Swift (D).....	162,002
William L. McCord (Libertarian)	9,047

U.S. Representative, 3rd District

Rod Culp (R).....	92,872
Don Bonker (D)	155,906

U.S. Representatives, 4th District

Sid Morrison (R)	134,691
Mike McCormack (D)	100,114

U.S. Representatives, 5th District

John Sonneland (R)	111,705
Thomas S. Foley (D)	120,530

U.S. Representatives, 6th District

Jim Beaver (R)	106,236
Norman D. Dicks (D)	122,903

U.S. Representative, 7th District

Ron Dunlap (R)	84,218
Mike Lowry (D)	112,848

Governor

John Spellman (R)	981,083
Jim McDermott (D)	749,813

Lieutenant Governor

William M. Treadwell (R)	631,983
John A. Cherberg (D)	981,898

Secretary of State

Ralph Munro (R)	805,117
Ron Dotzauer (D)	764,569

State Treasurer

Marilyn B. Ward (R)	712,936
Robert S. O'Brien (D)	868,553

State Auditor

Robert B. Keene, Jr. (R)	621,995
Robert V. (Bob) Graham (D)	921,108

Attorney General

Kenneth O. Eikenberry (R)	769,116
John Rosellini (D)	262,281
John Miller (Independent Candidate)	631,415

Insurance Commission

Richard G. (Dick) Marquardt (R)	919,437
Joe Davis (D)	633,268

Commissioner of Public Lands

Brian J. Boyle (R)	811,760
Bert Cole (D)	791,032

Superintendent of Public Instruction

Frank (Buster) Brouillet (Nonpartisan)	1,071,049
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State Supreme Court, Position 1

Robert F. Utter (Nonpartisan)	900,532
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State Supreme Court, Position 2

James M. Dolliver (Nonpartisan)	895,590
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State Supreme Court, Position 3

Fred H. Dore (Nonpartisan)	925,641
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IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D., 1981.

BRUCE K. CHAPMAN
Secretary of State

(Seal of the State of Washington)

MESSAGE FROM GOVERNOR RAY

Office of the Governor, January 2, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

Julia Butler Hansen has resigned as a member of the Washington State Transportation Commission effective December 31, 1980. I therefore withdraw my nomination and request for Senate confirmation of her reappointment.

Sincerely,
DIXY LEE RAY
Governor.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3000, by Senators von Reichbauer, Clarke, Bottiger, Hayner, Sellar, Goltz, Talmadge and Jones (by Select Committee on Confirmation of Appointments request):

AN ACT Relating to gubernatorial appointees; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 43.43.020, chapter 8, Laws of 1965 as amended by section 1, chapter 80, Laws of 1973 1st ex. sess. and RCW 43.43.020; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 146, Laws of 1980 and RCW 43.43.858; amending section 43.78.010, chapter 8, Laws of 1965 and RCW 43.78.010; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032; amending section 2, chapter 270, Laws of 1955 as amended by section 5, chapter 37, Laws of 1957 and RCW 49.60.050; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 74, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.010; amending section 77.04.030, chapter 36, Laws of 1955 as amended by section 4, chapter 78, Laws of 1980 and RCW 77.04.030; amending section 43.06.030, chapter 8, Laws of 1965 and RCW 43.06.030; amending section 4, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.040; amending section 28B.70.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.70.040; amending section 3, chapter 34, Laws of 1971 ex. sess. as amended by section 130, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.115.030; amending section 4, chapter 140, Laws of 1974 ex. sess. as amended by section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117.040; amending section 1, chapter 98, Laws of 1935 as last amended by section 1, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.001; amending section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010; adding new sections to chapter 43.06 RCW; and declaring an emergency.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3001, by Senator Rasmussen:

AN ACT Relating to parking for disabled persons; amending section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380; amending section 65, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.565; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3002, by Senator Rasmussen:

AN ACT Relating to drivers' licenses; amending section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.161; and amending section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 4, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.181.

Referred to Committee on Transportation.

SENATE BILL NO. 3003, by Senators Rasmussen, Conner, Talley, Pullen, Ridder, Gaspard and Craswell:

AN ACT Relating to inheritance taxation; amending section 14, chapter 209, Laws of 1979 ex. sess. and RCW 83.08.025; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3004, by Senators Rasmussen, Conner, Talley, Pullen, Bauer, Vognild, Gaspard, Hughes and Woody:

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3005, by Senators Rasmussen, Conner, Talley, Pullen, Woody and Craswell:

AN ACT Relating to inheritance taxation; and amending section 12, chapter 209, Laws of 1979 ex. sess. and RCW 83.08.015.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3006, by Senators Talley, Shinpoch and Wojahn:

AN ACT Relating to vital statistics; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3007, by Senators Hansen, Guess and Hughes:

AN ACT Relating to family day-care homes; amending section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15.020; and adding new sections to chapter 74.15 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3008, by Senators Ridder, Shinpoch, Gould, Charnley and Craswell:

AN ACT Relating to property taxation; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3009, by Senators Shinpoch, Rasmussen and Conner:

AN ACT Relating to the horse racing commission; amending section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012; and amending section 3, chapter 55, Laws of 1933 as amended by section 80, chapter 75, Laws of 1977 and RCW 67.16.015.

Referred to Committee on State Government.

SENATE BILL NO. 3010, by Senators Bluechel and Zimmerman:

AN ACT Relating to vital statistics; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3011, by Senators Rasmussen, McDermott, Deccio, Gallagher, Talley, Pullen, Lee, Hughes, Craswell and Woody:

AN ACT Relating to state government; creating a department of adult corrections; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 7, chapter 133, Laws of 1955 as last amended by section 1, chapter 141, Laws of 1979 and RCW 9.95.060; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 as amended by section 3, chapter 141, Laws of 1979 and RCW 9.95.121; amending section 6, chapter 98, Laws of 1969 as amended by section 4, chapter 141, Laws of 1979 and RCW 9.95.124; amending section 3, chapter 114, Laws of 1935 as last amended by section 5, chapter 141, Laws of 1979 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as last amended by section 6, chapter 141, Laws of 1979 and RCW 9.95.200; amending section 1,

chapter 19, Laws of 1980 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as last amended by section 8, chapter 141, Laws of 1979 and RCW 9.95.250; amending section 7, chapter 114, Laws of 1935 as last amended by section 9, chapter 141, Laws of 1979 and RCW 9.95.260; amending section 3, chapter 217, Laws of 1961 as amended by section 2, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.320; amending section 4, chapter 217, Laws of 1961 as amended by section 3, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.330; amending section 5, chapter 217, Laws of 1961 as amended by section 4, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.340; amending section 6, chapter 217, Laws of 1961 as amended by section 5, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.350; amending section 7, chapter 217, Laws of 1961 as amended by section 6, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.360; amending section 8, chapter 217, Laws of 1961 as amended by section 7, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.370; amending section 2, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.020; amending section 3, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.030; amending section 4, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.040; amending section 8, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.080; amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.040; amending section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.047; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040; amending section 11.08.101, chapter 145, Laws of 1965 as amended by section 10, chapter 141, Laws of 1979 and RCW 11.08.101; amending section 11.08.120, chapter 145, Laws of 1965 as amended by section 11, chapter 141, Laws of 1979 and RCW 11.08.120; amending section 2, chapter 103, Laws of 1969 as amended by section 2, chapter 4, Laws of 1969 ex. sess. and RCW 36.63.255; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 45, chapter 141, Laws of 1979 and RCW 43.19.450; amending section 3, chapter 104, Laws of 1967 as amended by section 130, chapter 141, Laws of 1979 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as last amended by section 131, chapter 141, Laws of 1979 and RCW 71.06.140; amending section 72.01.010, chapter 28, Laws of 1959 as last amended by section 142, chapter 141, Laws of 1979 and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as last amended by section 143, chapter 141, Laws of 1979 and RCW 72.01.042; amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter 141, Laws of 1979 and RCW 72.01.050; amending section 72.01.210, chapter 28, Laws of 1959 as last amended by section 154, chapter 141, Laws of 1979 and RCW 72.01.210; amending section 72.01.240, chapter 28, Laws of 1959 as amended by section 155, chapter 141, Laws of 1979 and RCW 72.01.240; amending section 1, chapter 210, Laws of 1959 as amended by section 159, chapter 141, Laws of 1979 and RCW 72.01.282; amending section 1, chapter 40, Laws of 1959 as amended by section 164, chapter 141, Laws of 1979 and RCW 72.01.370; amending section 2, chapter 40, Laws of 1959 as amended by section 165, chapter 141, Laws of 1979 and RCW 72.01.380; amending section 1, chapter 140, Laws of 1959 as amended by section 166, chapter 141, Laws of 1979 and RCW 72.01.410; amending section 1, chapter 193, Laws of 1961 as last amended by section 167, chapter 141, Laws of 1979 and RCW 72.01.430; amending section 1, chapter 46, Laws of 1967 as last amended by section 168, chapter 141, Laws of 1979 and RCW 72.01.450; amending section 2, chapter 46, Laws of 1969 ex. sess. as amended by section 171, chapter 141, Laws of 1979 and RCW 72.01.460; amending section 1, chapter 50, Laws of 1970 ex. sess. as amended by section 172, chapter 141, Laws of 1979 and RCW 72.01.480; amending section 72.02.040, chapter 28, Laws of 1959 as amended by

section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 2, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.110; amending section 7, chapter 134, Laws of 1967 as amended by section 173, chapter 141, Laws of 1979 and RCW 72.04A.050; amending section 9, chapter 134, Laws of 1967 as amended by section 174, chapter 141, Laws of 1979 and RCW 72.04A.070; amending section 10, chapter 134, Laws of 1967 as amended by section 175, chapter 141, Laws of 1979 and RCW 72.04A.080; amending section 11, chapter 134, Laws of 1967 as last amended by section 176, chapter 141, Laws of 1979 and RCW 72.04A.090; amending section 3, chapter 9, Laws of 1965 ex. sess. as amended by section 188, chapter 141, Laws of 1979 and RCW 72.08.101; amending section 4, chapter 9, Laws of 1965 ex. sess. as amended by section 189, chapter 141, Laws of 1979 and RCW 72.08.102; amending section 72.08.170, chapter 28, Laws of 1959 as amended by section 32, chapter 106, Laws of 1973 and RCW 72.08.170; amending section 72.08.380, chapter 28, Laws of 1959 as amended by section 192, chapter 141, Laws of 1979 and RCW 72.08.380; amending section 72.12.020, chapter 28, Laws of 1959 as amended by section 193, chapter 141, Laws of 1979 and RCW 72.12.020; amending section 72.12.140, chapter 28, Laws of 1959 as amended by section 198, chapter 141, Laws of 1979 and RCW 72.12.140; amending section 1, chapter 214, Laws of 1959 as amended by section 199, chapter 141, Laws of 1979 and RCW 72.13.010; amending section 4, chapter 214, Laws of 1959 as amended by section 200, chapter 141, Laws of 1979 and RCW 72.13.040; amending section 6, chapter 214, Laws of 1959 as amended by section 202, chapter 141, Laws of 1979 and RCW 72.13.060; amending section 7, chapter 214, Laws of 1959 as amended by section 203, chapter 141, Laws of 1979 and RCW 72.13.070; amending section 12, chapter 214, Laws of 1959 as amended by section 206, chapter 141, Laws of 1979 and RCW 72.13.120; amending section 1, chapter 122, Laws of 1967 ex. sess. as amended by section 211, chapter 141, Laws of 1979 and RCW 72.15.010; amending section 8, chapter 122, Laws of 1967 ex. sess. as amended by section 134, chapter 81, Laws of 1971 and RCW 72.15.060; amending section 72.23.010, chapter 28, Laws of 1959 as last amended by section 2, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.010; amending section 72.60.010, chapter 28, Laws of 1959 as amended by section 254, chapter 141, Laws of 1979 and RCW 72.60.010; amending section 72.60.020, chapter 28, Laws of 1959 as amended by section 255, chapter 141, Laws of 1979 and RCW 72.60.020; amending section 1, chapter 273, Laws of 1959 as amended by section 263, chapter 141, Laws of 1979 and RCW 72.60.240; amending section 3, chapter 273, Laws of 1959 as amended by section 264, chapter 141, Laws of 1979 and RCW 72.60.260; amending section 4, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.040; amending section 1, chapter 17, Laws of 1967 as amended by section 274, chapter 141, Laws of 1979 and RCW 72.65.010; amending section 8, chapter 17, Laws of 1967 as last amended by section 279, chapter 141, Laws of 1979 and RCW 72.65.080; amending section 10, chapter 17, Laws of 1967 as amended by section 280, chapter 141, Laws of 1979 and RCW 72.65.100; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 1, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.031; amending section 2, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.032; amending section 72.68.040, chapter 28, Laws of 1959 as last amended by section 284, chapter 141, Laws of 1979 and RCW 72.68.040; amending section 2, chapter 287, Laws of 1959 as amended by section 290, chapter 141, Laws of 1979 and RCW 72.70.020; amending section 5, chapter 287, Laws of 1959 as amended by section 292, chapter 141, Laws of 1979 and RCW 72.70.050; amending section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020; adding a new section to chapter 72.13 RCW; adding a new section to chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 72.68 RCW; adding a new chapter to Title 72 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3012, by Senators Rasmussen and Guess:

AN ACT Relating to shoreline management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3013, by Senators Rasmussen and Conner:

AN ACT Relating to juries; and amending section 1, chapter 56, Laws of 1907 as last amended by section 7, chapter 135, Laws of 1979 ex. sess. and RCW 2.36-.150.

Referred to Judiciary Committee.

SENATE BILL NO. 3014, by Senators Rasmussen and Guess:

AN ACT Relating to absentee voter lists; and amending section 1, chapter 61, Laws of 1973 1st ex. sess. and RCW 29.36.097.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3015, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

AN ACT Relating to employment security department records; and amending section 6, chapter 153, Laws of 1977 ex. sess. as amended by section 1, chapter 177, Laws of 1979 ex. sess. and RCW 50.13.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3016, by Senator Rasmussen:

AN ACT Relating to criminal procedure; adding new sections to chapter 10.19 RCW; repealing section 29, page 107, Laws of 1854, section 221, page 394, Laws of 1873, section 1923, Code of 1881, section 11, chapter 11, Laws of 1891 and RCW 10.16.030; repealing section 35, page 108, Laws of 1854, section 227, page 395, Laws of 1873, section 1928, Code of 1881 and RCW 10.16.050; repealing section 33, page 108, Laws of 1854, section 225, page 395, Laws of 1873, section 1927, Code of 1881, section 13, chapter 11, Laws of 1891 and RCW 10.16.070; repealing section 43, page 109, Laws of 1854, section 185, page 141, Laws of 1859, section 216, page 390, Laws of 1863, section 235, page 397, Laws of 1873, section 1936, Code of 1881 and RCW 10.16.190; repealing section 58, chapter 249, Laws of 1909 and RCW 10.19.010; repealing section 72, page 113, Laws of 1854, section 208, page 229, Laws of 1873, section 1028, Code of 1881, section 42, chapter 28, Laws of 1891 and RCW 10.19.020; repealing section 5, page 101, Laws of 1890 and RCW 10.19.025; repealing section 78, page 114, Laws of 1854, section 214, page 229, Laws of 1873, section 1034, Code of 1881 and RCW 10.19.040; repealing section 178, page 129, Laws of 1854, section 1169, Code of 1881 and RCW 10.19.050; repealing section 79, page 114, Laws of 1854, section 215, page 230, Laws of 1873, section 1035, Code of 1881 and RCW 10.19.060; repealing section 77, page 114, Laws of 1854, section 1033, Code of 1881 and RCW 10.19.065; repealing section 80, page 114, Laws of 1854, section 216, page 230, Laws of 1873, section 1036, Code of 1881 and RCW 10.19.070; repealing section 81, page 114, Laws of 1854, section 217, page 230, Laws of 1873, section 1037, Code of 1881 and RCW 10.19-.080; repealing section 1, page 103, Laws of 1867, section 217, page 230, Laws of 1873, section 1137, Code of 1881 and RCW 10.19.090; repealing section 2, page 103, Laws of 1867, section 281, page 242, Laws of 1873, section 1138, Code of 1881, section 86, chapter 28, Laws of 1891 and RCW 10.19.100; repealing section 3, page 103, Laws of 1867, section 1139, Code of 1881, section 87, chapter 28, Laws of 1891 and RCW 10.19.105; repealing section 175, page 128, Laws of 1854, section

215, page 230, Laws of 1873, section 1166, Code of 1881 and RCW 10.19.110; repealing section 176, page 129, Laws of 1854, section 1167, Code of 1881, section 88, chapter 28, Laws of 1891 and RCW 10.19.120; repealing section 1, chapter 2, Laws of 1975 1st ex. sess. and RCW 10.19.130; repealing section 31, chapter 61, Laws of 1893 and RCW 10.73.040; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3017, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

AN ACT Relating to veterans' loan insurance; amending section 43.19.015, chapter 8, Laws of 1965 and RCW 43.19.015; repealing section 1, chapter 217, Laws of 1945 and RCW 73.12.010; repealing section 4, chapter 217, Laws of 1945 and RCW 73.12.030; repealing section 5, chapter 217, Laws of 1945 and RCW 73.12.040; repealing section 6, chapter 217, Laws of 1945 and RCW 73.12.050; and repealing section 7, chapter 217, Laws of 1945 and RCW 73.12.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3018, by Senators Talley, Lee and Quigg:

AN ACT Relating to credit unions; amending section 1, chapter 98, Laws of 1979 ex. sess. and RCW 31.12.375; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3019, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

AN ACT Relating to probation counselors; repealing section 1, chapter 331, Laws of 1959, section 17, chapter 141, Laws of 1979 and RCW 13.07.010; repealing section 2, chapter 331, Laws of 1959, section 2, chapter 59, Laws of 1973 1st ex. sess. and RCW 13.07.020; repealing section 4, chapter 331, Laws of 1959, section 2, chapter 137, Laws of 1965 ex. sess., section 18, chapter 141, Laws of 1979 and RCW 13.07.030; repealing section 6, chapter 331, Laws of 1959 and RCW 13.07.040; repealing section 7, chapter 331, Laws of 1959, section 19, chapter 141, Laws of 1979 and RCW 13.07.050; repealing section 8, chapter 331, Laws of 1959, section 20, chapter 141, Laws of 1979 and RCW 13.07.060; and repealing section 3, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.070.

Referred to Judiciary Committee.

SENATE BILL NO. 3020, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

AN ACT Relating to forms management; amending definitions of public records; amending and recodifying section 1, chapter 13, Laws of 1973 and RCW 43.19.510; amending section 1, chapter 246, Laws of 1957 as amended by section 1, chapter 102, Laws of 1971 ex. sess. and RCW 40.14.010; amending section 1, chapter 223, Laws of 1949 as amended by section 1, chapter 95, Laws of 1973 and RCW 40.20.020; and adding a new chapter to Title 40 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3021, by Senators Shinpoch, Scott, Woody, Lee and Quigg:

AN ACT Relating to state investments; amending section 3, chapter 104, Laws of 1965 ex. sess. as amended by section 5, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.031; amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 154, Laws of 1979 ex. sess. and RCW 43.84.080; amending section 43.84.140, chapter 8, Laws of 1965 and RCW 43.84.140; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 3, chapter 119, Laws of 1979 and RCW 43.84.150; amending section 14, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.170; amending section 8, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 103, Laws of 1973 1st

ex. sess. and RCW 2.10.080; amending section 8, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1955 and RCW 2.12.070; amending section 43.33.030, chapter 8, Laws of 1965 and RCW 43.33.030; amending section 10, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.130; amending section 3, chapter 261, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.030; amending section 6, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 44, Laws of 1975-'76 2nd ex. sess. and RCW 41.26.060; amending section 7, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.26.070; amending section 15, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.32.207; amending section 16, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.40.072; amending section 2, chapter 91, Laws of 1959 and RCW 41.40.075; amending section 9, chapter 274, Laws of 1947 as last amended by section 4, chapter 128, Laws of 1969 and RCW 41.40.080; amending section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 251, Laws of 1977 ex. sess. and RCW 41.50.050; amending section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 251, Laws of 1977 ex. sess. and RCW 41.50.080; amending section 5, chapter 10, Laws of 1965 as amended by section 11, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.300; amending section 43.43-.170, chapter 8, Laws of 1965 as amended by section 2, chapter 12, Laws of 1969 and RCW 43.43.170; amending section 43.43.175, chapter 8, Laws of 1965 and RCW 43.43.175; amending section 4, chapter 281, Laws of 1961 as amended by section 3, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.210; amending section 47.58.070, chapter 13, Laws of 1961 and RCW 47.58.070; amending section 47.60.100, chapter 13, Laws of 1961 and RCW 47.60.100; amending section 51.44-.100, chapter 23, Laws of 1961 as last amended by section 6, chapter 103, Laws of 1973 1st ex. sess. and RCW 51.44.100; amending section 7, chapter 217, Laws of 1945 and RCW 73.12.060; amending section 2, chapter 207, Laws of 1975 1st ex. sess. as amended by section 51, chapter 78, Laws of 1980 and RCW 77.12.323; adding a new chapter to Title 43 RCW; creating new sections; repealing section 43.33.020, chapter 8, Laws of 1965 and RCW 43.33.020; repealing section 43.33-.025, chapter 8, Laws of 1965 and RCW 43.33.025; repealing section 7, chapter 103, Laws of 1973 1st ex. sess., section 112, chapter 34, Laws of 1975-'76 2nd ex. sess., section 3, chapter 251, Laws of 1977 ex. sess., section 1, chapter 119, Laws of 1979 and RCW 43.33.050; repealing section 8, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.060; repealing section 9, chapter 103, Laws of 1973 1st ex. sess., section 26, chapter 105, Laws of 1975-'76 2nd ex. sess., section 4, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.070; repealing section 10, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.080; repealing section 11, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.090; repealing section 6, chapter 251, Laws of 1977 ex. sess., section 2, chapter 119, Laws of 1979 and RCW 43.33.110; repealing section 11, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.120; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3022, by Senator Talley:

AN ACT Relating to musical services; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3023, by Senators Hansen and Gaspard:

AN ACT Relating to business and occupation taxes; and amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 2, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3024, by Senator Hansen:

AN ACT Relating to the relief of the Sokulk Indians by providing for their fishing in designated areas; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3025, by Senators Williams, Guess, Bauer, Zimmerman, Hemstad, Charnley, Moore and Fuller (by Ecology Committee request):

AN ACT Relating to historic preservation; adding a new chapter to Title 84 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3026, by Senators Williams, Hurley and Fuller (by Ecology Committee request):

AN ACT Relating to historic preservation; and adding new sections to chapter 43.51A RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3027, by Senators Williams and Fuller (by Ecology Committee request):

AN ACT Relating to historic preservation; and adding a new section to chapter 43.51A RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3028, by Senators Williams, Zimmerman, Goltz, von Reichbauer and Hemstad (by Ecology Committee request):

AN ACT Relating to historic preservation; and adding a new section to chapter 43.82 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3029, by Senators Williams, Bauer and Goltz (by Ecology Committee request):

AN ACT Relating to archaeology and historic preservation; amending section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; amending section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070; amending section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080; amending section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; amending section 3, chapter 134, Laws of 1975 1st ex. sess. as amended by section 13, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.030; adding new sections to chapter 43.51A RCW; decodifying RCW 43.51A.040 and 43.51A.050; repealing section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060; repealing section 9, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.110; repealing section 10, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.120; and repealing section 11, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.130.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3030, by Senators Williams, Goltz, Charnley, Hughes and Moore (by Ecology Committee request):

AN ACT Relating to restoration crafts; and creating a new section.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3031, by Senators Williams, Guess, Ridder, Goltz, Hemstad and Fuller (by Ecology Committee request):

AN ACT Relating to the Washington centennial commission; adding a new chapter to Title 27 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3032, by Senators Wojahn, Rasmussen, McDermott, Ridder, Shinpoch, Talley, Fleming and Lee:

AN ACT Relating to displaced homemakers; amending section 2, chapter 73, Laws of 1979 and RCW 28B.04.020; amending section 5, chapter 73, Laws of 1979 and RCW 28B.04.050; amending section 6, chapter 73, Laws of 1979 and RCW 28B.04.060; amending section 7, chapter 73, Laws of 1979 and RCW 28B.04.070; amending section 8, chapter 73, Laws of 1979 and RCW 28B.04.080; and amending section 13, chapter 73, Laws of 1979 and RCW 28B.04.130.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3033, by Senators Goltz, Williams and Ridder:

AN ACT Relating to local government; amending section 35.84.020, chapter 7, Laws of 1965 and RCW 35.84.020; amending section 35.84.030, chapter 7, Laws of 1965 and RCW 35.84.030; amending section 35.92.050, chapter 7, Laws of 1965 and RCW 35.92.050; amending section 3, chapter 65, Laws of 1955 as last amended by section 3, chapter 147, Laws of 1963 and RCW 53.08.020; amending section 3, chapter 390, Laws of 1955 and RCW 54.16.020; adding a new section to chapter 35.84 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3034, by Senators Conner, Talley, Vognild and Craswell:

AN ACT Relating to volunteer firemen's relief and pensions; amending section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.160; amending section 23, chapter 261, Laws of 1945 as last amended by section 5, chapter 76, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.230; and prescribing an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 3035, by Senators Goltz, Rasmussen, Conner and Bauer:

AN ACT Relating to special license plates; and amending section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110.

Referred to Committee on Transportation.

SENATE BILL NO. 3036, by Senators Talley, Bauer and Hughes:

AN ACT Relating to retirement; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; amending section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; and amending section 12, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.710.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3037, by Senators Talley and Vognild:

AN ACT Relating to unemployment compensation; and amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 74, Laws of 1980 and RCW 50.04.323.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3038, by Senators Rasmussen and Woody:

AN ACT Relating to fishing and angling licenses; amending section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630; amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 117, chapter 78, Laws of 1980 and RCW 77.32.230; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3039, by Senators Hansen and Gaspard:

AN ACT Relating to alcohol fuel; and amending section 2, chapter 140, Laws of 1980 and RCW 66.12.130.

Referred to Committee on Agriculture.

SENATE BILL NO. 3040, by Senators Moore, Craswell, Talmadge, Lee, Ridder, Conner, Kiskaddon and Talley:

AN ACT Relating to the practice of optometry; amending section 1, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.005; amending section 1, chapter 144, Laws of 1919 as amended by section 2, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.010; amending section 7, chapter 144, Laws of 1919 as last amended by section 47, chapter 158, Laws of 1979 and RCW 18.53.140; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3041, by Senators Williams, Gould, Talley and Hurley:

AN ACT Relating to electric power and conservation planning; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3042, by Senators Wojahn and Clarke (By Division of Banking, Department of General Administration request):

AN ACT Relating to satellite facilities; amending section 2, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.020; and adding a new section to chapter 30.43 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3043, by Senators Talmadge, Pullen, Moore, Vognild, Woody and Craswell:

AN ACT Relating to residential schools; and amending section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160.

Referred to Committee on Social and Health Services:

SENATE BILL NO. 3044, by Senators Sellar and Talley:

AN ACT Relating to the use tax on motor vehicles; and amending section 82.12.045, chapter 15, Laws of 1961 as last amended by section 222, chapter 158, Laws of 1979 and RCW 82.12.045.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3045, by Senators Sellar and Talley:

AN ACT Relating to juvenile probation special services programs; and amending section 6, chapter 165, Laws of 1969 ex. sess. as amended by section 16, chapter 141, Laws of 1979 and RCW 13.06.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3046, by Senators Wilson and Sellar:

AN ACT Relating to vacancies in partisan elective offices; amending section 2, page 28, Laws of 1866 as amended by section 3063, Code of 1881 and RCW 42.12.010; amending section 6, page 30, Laws of 1866 as amended by section 3066, Code of 1881 and RCW 42.12.030; and adding new sections to chapter 29.18 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3047, by Senator Lysen:

AN ACT Relating to motor vehicle emission control; repealing section 11, chapter 163, Laws of 1979 ex. sess., section 1, chapter 176, Laws of 1980 and RCW 46.16.015; repealing section 15, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.016; repealing section 1, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.010; repealing section 2, chapter 163, Laws of 1979 ex. sess. and RCW

70.120.020; repealing section 3, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.030; repealing section 4, chapter 163, Laws of 1979 ex. sess., section 2, chapter 176, Laws of 1980 and RCW 70.120.040; repealing section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.050; repealing section 6, chapter 163, Laws of 1979 ex. sess., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; repealing section 7, chapter 163, Laws of 1979 ex. sess., section 4, chapter 176, Laws of 1980 and RCW 70.120.070; repealing section 8, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.080; repealing section 9, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.090; repealing section 10, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.100 repealing section 12, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.110; repealing section 13, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.120; repealing section 14, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.130; repealing section 5, chapter 176, Laws of 1980 and RCW 70.120.140; repealing section 16, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 18, chapter 163, Laws of 1979 ex. sess. (uncodified); repealing section 19, chapter 163, Laws of 1979 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3048, by Senator Shinpoch:

AN ACT Relating to contractors; and amending section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3049, by Senators Moore, Ridder and Kiskaddon:

AN ACT Relating to health care institutions' confidentiality of records; and amending section 1, chapter 144, Laws of 1971 ex. sess. as last amended by section 1, chapter 17, Laws of 1979 and RCW 4.24.250.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3050, by Senators Moore, Sellar and Bauer:

AN ACT Relating to collection agencies; and adding a new section to chapter 42.04 RCW.

Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Goltz, Shinpoch and Hayner (by Joint Ad Hoc Committee on Science and Technology request):

Creating a 1981 Joint Ad Hoc Committee on Science and Technology.

Referred to Committee on Rules.

MOTION

On motion of Senator Talmadge, Senate Bill No. 3043 was referred to the Committee on Social and Health Services.

At 11:27 a.m., the Senate members and officers retired to the House Chamber to meet in Joint Session for the purpose of receiving the farewell message of the Honorable Dixy Lee Ray, Governor of the State of Washington and the canvassing of votes cast at the last general election.

JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, Lieutenant Governor John A. Cherberg and

President Pro Tempore of the Senate, H.A. "Barney" Goltz, to seats on the rostrum beside the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators to seats within the House Chamber.

The Clerk called the roll of the House and all members were present.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Conner, who was excused.

The Speaker: "The Joint Session is called for the purpose of canvassing the vote for and against referendums and initiatives which appeared on the ballot at the last general election, and also to canvass the votes for the constitutional elective officers of the State of Washington."

MESSAGE FROM THE SECRETARY OF STATE

Office of Secretary of State

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

I have the honor of herewith submitting a recapitulation of the votes cast on the state measures and federal and statewide offices at the State General Election held on the fourth day of November, 1980, as canvassed by me from the returns made to this office by the county auditors of the state.

Initiative Measure 383

Shall Washington ban the importation and storage of non-medical radioactive wastes generated outside Washington, unless otherwise permitted by interstate compact?

Yes	1,211,606
No	393,415

Referendum Bill 38

Shall \$125 million in state general obligation bonds be authorized for planning, acquisition, construction and improvement of water supply facilities?

Yes	1,008,646
No	527,454

Referendum Bill 39

Shall \$450,000,000 in state general obligation bonds be authorized for planning, designing, acquiring, constructing and improving public waste disposal facilities?

Yes	964,450
No	558,328

Senate Joint Resolution 132

Shall the constitution be amended to provide that the state no longer disclaim all rights to unappropriated federal public lands?

Yes	579,060
No	864,850

House Joint Resolution 37

Shall a judicial qualification commission be created and the supreme court empowered to discipline or remove judges upon its recommendation?

Yes	1,043,490
No	464,941

President and Vice President

Ronald Reagan and George Bush (R)	865,244
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Jimmy Carter and Walter F. Mondale (D)	650,194
John B. Anderson and Patrick J. Lucey (Ind. Cand.)	185,073
Clifton DeBerry and Matilde Zimmerman (S.W.)	1,137
Dierdre Griswold and Larry Holmes (W.W.)	341
Gus Hall and Angela Davis (Com)	834
David McReynolds and Diane Drufenbrock (Soc)	956
Barry Commoner and LaDonna Harris (Cit)	9,403
Edward E. Clark and David Koch (Lib)	29,213

U. S. Senate

Slade Gorton (R)	936,317
Warren G. Magnuson (D)	792,052

U.S. Representative, 1st District

Joel Pritchard (R)	180,475
Robin Drake (D)	41,830
Maurice Willey (Lib)	8,229

U.S. Representative, 2nd District

Neal Snider (R)	82,639
Al Swift (D)	162,002
William L. McCord (Lib)	9,047

U.S. Representative, 3rd District

Rod Culp (R)	92,872
Don Bonker (D)	155,906

U.S. Representatives, 4th District

Sid Morrison (R)	134,691
Mike McCormack (D)	100,114

U.S. Representatives, 5th District

John Sonneland (R)	111,705
Thomas S. Foley (D)	120,530

U.S. Representatives, 6th District

Jim Beaver (R)	106,326
Norman D. Dicks (D)	122,903

U.S. Representative, 7th District

Ron Dunlap (R)	84,218
Mike Lowry (D)	112,848

Governor

John Spellman (R)	981,083
Jim McDermott (D)	749,813

Lieutenant Governor

William M. Treadwell (R)	631,983
John A. Cherberg (D)	981,898

Secretary of State

Ralph Munro (R)	805,117
Ron Dotzauer (D)	764,569

State Treasurer

Marilyn B. Ward (R)	712,936
Robert S. O'Brien (D)	868,553

State Auditor

Robert B. Keene, Jr. (R)	621,995
Robert V. (Bob) Graham (D)	921,108

Attorney General

Kenneth O. Eikenberry (R)	769,116
John Rosellini (D)	262,281
John Miller (Ind. Cand.)	631,415

Insurance Commission

Richard G. (Dick) Marquardt (R)	919,437
Joe Davis (D)	633,268

Commissioner of Public Lands

Brian J. Boyle (R)	811,760
Bert Cole (D)	791,032

Superintendent of Public Instruction

Frank (Buster) Brouillet (Nonpartisan)	1,071,049
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State Supreme Court, Position 2

Robert F. Utter (Nonpartisan)	900,532
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State Supreme Court, Position 2

James M. Dolliver (Nonpartisan)	895,590
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State Supreme Court, Position 3

Fred H. Dore (Nonpartisan)	925,641
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IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D., 1981.

BRUCE K. CHAPMAN
Secretary of State

(Seal of the State of Washington)

The Speaker presented the gavel to the President of the Senate.

The President of the Senate appointed Senators Lee, Ridder and Wojahn and Representatives Galloway, Smith and Teutsch to escort the state elected officials from the State Reception Room to seats within the House Chamber.

MESSAGE FROM THE GOVERNOR

January 13, 1981

The Honorable John A. Cherberg
President of the Senate
Olympia, Washington
The Honorable William Polk
Speaker of the House
Olympia, Washington

Dear Lt. Governor Cherberg, Mr. Speaker and Honorable Members of the House and Senate:

Pursuant to my constitutional duties and obligations, I transmit herewith my message on the condition of the affairs of state. Four separate documents constitute the bulk of this report.

The first of these is the report on my fourth year in office, attached herewith, that details the activities of the executive branch of government. There is little need to repeat here what is contained in that document, but three areas are so important to the future of this state that they warrant special emphasis.

A. Reorganization of the executive branch. As presently constituted there are eight state elected officials other than the Governor in the executive branch, and the Governor has no administrative supervision of more than 60 percent of the General Fund. For example, the sums allocated to the common schools are

controlled by the independently elected Superintendent of Public Instruction. Additional areas removed from the Governor's administrative jurisdiction include all those agencies and departments that are headed by Commissions. Operation by committee, despite the dedicated service of outstanding citizens, is no more successful a management arrangement in the government than it is in the private sector.

B. Reexamination of the state's retirement systems. The state's portion of retirement costs is fast approaching 10 percent of the General Fund. Increases of around 60 percent (for state contributions amounting to \$857 million) have been recommended by the State Actuary. I propose, before such increases are granted — some of which would amount to a state contribution of 78 percent of a member's monthly paycheck — that the legislature review the extent of commitment of general tax money for pensions. In particular the cost of the Law Enforcement and Firefighters' pensions must be revised lest these and the other government pension systems bankrupt the state.

C. Restrictions on bonding capacity. The 46th Legislature wisely put a limit of seven percent on the state's bonding authority. This was just one of the many actions that have served to maintain the state's favorable bond rating AA+. However, bonds have been authorized, but not yet issued, up to an amount that exceeds the limit by as much as \$500 million. Excessive bonding, with its heavy load of debt service stretching years into the future, must be avoided if we are to maintain confidence in this state's financial condition and management. After a recent transaction in which the state received a very favorable 7.9 percent interest rate, Mr. Eugene Crowley, Vice President of Solomon Brothers said "...it is a demonstration of the faith the banking community has in this state and a vote of confidence in its management."

The second document is the supplemental budget to cover extraordinary costs of the current biennium ending June 30, 1981. Increases over anticipated needs have occurred, primarily in the common schools and in welfare. A plan to meet these needs within presently available funds has been presented to you.

The third document is the balanced budget for the 1981-83 biennium. My proposed budget, if adopted, will provide for essential state programs at adequate and near current levels without the necessity for imposing new or increased taxes.

Since my budget was submitted on December 19, 1980, much discussion has centered on the adequacy of our revenue forecasts.

Economic prediction is at best an inexact science, and although I have confidence in the experts within government and from the private sector who advised my administration on the revenue outlook for the coming two and one-half years, I also recognize that events over which the state government has no control may unfold in such a manner as to render our forecasts obsolete.

Should that be the case, and should the legislature determine that additional revenues must be found, my recommendations include the following:

A. Distasteful as it may be, in a time of reduced revenues it is appropriate to examine once again those activities that have been exempted from certain taxes. I refer to applying the Business and Occupation taxes to all professional transactions and to the press, and extending the sales tax to media advertising. I would urge that these areas of privilege begin to assume their fair share of the taxes now disproportionately borne by business.

B. Increase in student tuition fees is necessary. Higher education now receives approximately 15 percent of the state's general fund revenues. Nationwide, students pay about one-fourth of the annual instructional costs in publicly supported colleges and universities; in Washington our students are charged only from 8 percent at community colleges to roughly 15 percent at the four-year institutions.

C. Extension of the sales tax to gasoline has been much debated. It may be counterproductive as a means of increasing funds for transportation, but additional user fees to subsidize all modes of transportation are clearly needed.

The fourth element in this report is a package of some 20 executive request pieces of legislation that will support economic development, strengthen human services, improve executive management, and increase assistance to local governments.

In summary, the state's economic condition is sound, its economy is diverse and growing. But until the present recession fades and interest rates come down, there will not be enough revenue for the state to fund all the programs and services that various groups of citizens want and some demand. Now is the time to practice restrictions on spending and to ponder the following from an anonymous writer:

"A democracy cannot exist as a permanent form of government. It can survive only until the voters discover that they can vote themselves largess from the public treasury. From that moment on, the majority always vote for the candidates promising the most benefits from the public treasury with the result that democracy always collapses over loose fiscal policies always followed by a dictatorship.

The average age of the world's great democratic civilizations and nations has been 200 years. All have progressed through the same sequence: from bondage to spiritual faith, from spiritual faith to great courage, from great courage to liberty, from liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complacency to apathy, from apathy to dependency, and from dependency back again to bondage."

We can escape this fate if we act now.

Respectfully submitted,
DIXY LEE RAY, Governor

The President of the Senate instructed the special escort committee to escort the state elected officials from the House Chamber.

On motion of Mr. Nelson (G), the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker.

The Speaker directed the committee to escort President Cherberg, President Pro Tempore Goltz and the members of the Washington State Senate to the Senate Chamber.

The President called the Senate to order at 12:12 p.m.

MOTION

At 12:13 p.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Wednesday, January 14, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 14, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Jeff Huisingh and Roslyn Brane, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

**MESSAGES FROM GOVERNOR RAY
COMMUTATIONS OF SENTENCES****BURTON ARTHUR KEELER**

Office of the Governor, January 12, 1981.

**TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:**

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 25th day of February, 1953 Burton Arthur Keeler was convicted and sentenced for the felony offense of Grand Larceny by the Superior Court for the State of Washington in and for the County of Spokane under Cause Number 14574 to a maximum term of fifteen (15) years, and on the 13th day of January, 1962 Burton Arthur Keeler was convicted and sentenced for the felony offense of Grand Larceny by the Superior Court for the State of Washington in and for the County of King under Cause Number 34806 to a maximum term of fifteen (15) years.

Burton Arthur Keeler was paroled by the Washington State Board of Prison Terms and Paroles on the 12th day of January, 1961; was granted a Conditional Discharge from supervision on the 21st day of January, 1963; and was granted a Final Discharge Restoring Civil Rights on the 29th day of March, 1965.

Burton Arthur Keeler has petitioned the Governor for a pardon and relief from any other disabilities or penalties that may not have been restored by the Final Discharge Restoring Civil Rights.

A number of letters of recommendation have been received from the community on the behalf of Burton Arthur Keeler, including a letter from the Prosecuting Attorney and other public officials.

An investigation by the local office of probation and parole shows that Burton Arthur Keeler has been actively employed and has given of himself to assist individuals suffering from alcoholism.

On September 2, 1980, a pardon was signed to pardon Burton Arthur Keeler of the crimes of Grand Larceny and do release and discharge Burton Arthur Keeler from any further punishment penalty or obligation by reason of the convictions of the crime of Grand Larceny, and do restore all civil rights forfeited by reason of these convictions.

Respectively submitted,
DIXY LEE RAY
Governor.

ROBERT LEE REED

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 20th day of February, 1974 Robert Lee Reed was sentenced by the Superior Court for the State of Washington, in and for the County of Pierce, under Cause Number 45118, to a mandatory life sentence for Murder First Degree.

Donald E. Look, Superintendent of the Washington State Reformatory, having reviewed the records and reports contained in the institutional file for Robert Lee Reed, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Robert Lee Reed from a number of correctional officers and other staff persons at the Washington State Reformatory and from relatives and friends, all recommending that Robert Lee Reed be considered for parole.

All the information available to me with respect to Robert Lee Reed has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Robert Lee Reed is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On October 22, 1980, a commutation order was signed to commute the life sentence of Robert Lee Reed and authorize the Board of Prison Terms and Paroles to parole Robert Lee Reed, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Robert Lee Reed to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

DONALD MESAROS

Office of the Governor, January 22, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of

each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 6th of April, 1962 Donald Mesaros was sentenced by the Superior Court for the State of Washington, in and for the County of King, under Cause Number 36552, to a mandatory life sentence for Murder First Degree.

Donald E. Look, Superintendent of the Washington State Reformatory, and Gerald J. Thompson, Secretary, Department of Social and Health Services, having reviewed the records and reports contained in the institutional file for Donald Mesaros, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and paroles.

Letters of support and recommendation have been presented on behalf of Donald Mesaros from a number of correctional officers and other staff persons at the Washington State Reformatory and from relatives and friends, all recommending that Donald Mesaros be considered for parole.

All the information available to me with respect to Donald Mesaros has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Donald Mesaros is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On October 22, 1980, a commutation order was signed to commute the life sentence of Donald Mesaros and authorize the Board of Prison Terms and Paroles to parole Donald Mesaros subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Donald Mesaros to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

EDMOND GRAY

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 22nd day of April, 1960 Edmond Gray was sentenced by the Superior Court for the State of Washington, in and for the County of Spokane, under Cause Number 16395, to three consecutive life terms on three counts of First Degree Murder.

James Spalding, Superintendent of the Washington State penitentiary having reviewed the records and reports contained in the institutional file for Edmond Gray, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Edmond Gray from a number of correctional officers and other staff persons at the

Washington State Penitentiary and from relatives and friends, all recommending that Edmond Gray be considered for parole.

All the information available to me with respect to Edmond Gray has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Edmond Gray is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On this day, January 12, 1981, a commutation order was signed to commute the life sentence of Edmond Gray and authorize the Board of Prison Terms and Paroles to parole Edmond Gray, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Edmond Gray to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

RICHARD ANDREW LEE

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 7th day of June, 1974 Richard Andrew Lee was sentenced by the Superior Court for the State of Washington, in and for the County of Spokane, under Cause Number 21731, to a mandatory life sentence for Murder First Degree and a life sentence for Robbery.

Donald E. Look, Superintendent of the Washington State Reformatory, having reviewed the records and reports contained in the institutional file for Richard Andrew Lee, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Richard Andrew Lee from a number of correctional officers and other staff persons at the Washington State Reformatory and from relatives and friends, all recommending that Richard Andrew Lee be considered for parole.

All the information available to me with respect to Richard Andrew Lee has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Richard Andrew Lee is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On October 22, 1980, a commutation order was signed to commute the life sentence of Richard Andrew Lee and authorized the Board of Prison Terms and Paroles to parole Richard Andrew Lee and subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Richard Andrew Lee to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

JOHN ELWOOD HENAULT

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 26th day of May, 1964 John Elwood Henault was sentenced by the Superior Court for the State of Washington, in and for the County of Spokane, under Cause Number 17611, to a twenty year term for the felony offense of Robbery, Count I; to a mandatory life sentence for Murder First Degree, Count II, and to a ten year maximum term for Taking a Motor Vehicle Without the Owner's Permission, Count III, each count to be served consecutively.

James C. Spalding, Superintendent of the Washington State Penitentiary, having reviewed the records and reports contained in the institutional file for John Elwood Henault, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of John Elwood Henault from a number of correctional officers and other staff persons at the Washington State Penitentiary and from relatives and friends, all recommending that John Elwood Henault be considered for parole.

The Board of Prison Terms and Paroles has interviewed John Elwood Henault and has advised that he has demonstrated that his progress within the institution has been outstanding, and the Board recommended that his sentence be commuted and the Board be given authority to consider John Elwood Henault for parole to an acceptable parole plan.

All the information available to me with respect to John Elwood Henault has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of John Elwood Henault is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On January 5, 1981, a commutation order was signed to commute the life sentence of John Elwood Henault and authorize the Board of Prison Terms and Paroles to parole John Elwood Henault, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return John Elwood Henault to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

MICHAEL O'DENNIS FINNEGAN

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

Office of the Governor, January 12, 1981.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 6th of November, 1970 Michael O'Dennis Finnegan was sentenced by the Superior Court for the State of Washington, in and for the County of Walla Walla, under Cause Number 6006, to a mandatory life sentence for Murder First Degree.

James Spalding, Superintendent of the Washington State penitentiary and Gerald J. Thompson, Secretary, Department of Social and Health Services, having reviewed the records and reports contained in the institutional file for Michael O'Dennis Finnegan, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Michael O'Dennis Finnegan, all recommending that Michael O'Dennis Finnegan be considered for parole.

All the information available to me with respect to Michael O'Dennis Finnegan has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Michael O'Dennis Finnegan is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On this day, January 12, 1981, a commutation order was signed to commute the life sentence of Michael O'Dennis Finnegan, and authorized the Board of Prison Terms and Parole to parole Michael O'Dennis Finnegan, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Michael O'Dennis Finnegan to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

HARRY LAVERNE VAN DE VENTER

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 28th day of February, 1969 Harry Laverne Van De Venter was sentenced by the Superior Court for the State of Washington, in and for the County of King, under Cause Number 49384, to a mandatory life sentence for Murder First Degree.

Daniel G. Ferguson, Acting Superintendent of the Washington State Reformatory and Gerald J. Thompson, Secretary, Department of Social and Health Services, having reviewed the records and reports contained in the institutional file for Harry Laverne Van De Venter, certified that with the exception of his escape in 1978 his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Harry Laverne Van De Venter from a number of correctional officers and other staff persons at the Washington State Reformatory, all recommending that Harry Laverne Van De Venter be considered for parole.

All the information available to me with respect to Harry Laverne Van De Venter has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Harry Van De Venter is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On January 8, 1981, a commutation order was signed to commute the life sentence of Harry Laverne Van De Venter and authorize the Board of Prison Terms and paroles to parole Harry Laverne Van De Venter, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Harry Van De Venter to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

KELLY D. MESSINGER

Office of the Governor, January 12, 1981.

TO THE HONORABLE, THE SENATE AND
THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the 1980 Session of the Forty-Sixth Regular Session of the Legislature.

On the 20th day of December, 1971 Kelly D. Messinger was sentenced by the Superior Court for the State of Washington in and for the County of Walla Walla, under Cause Number 59211, to a mandatory life sentence for Murder First Degree.

James Spalding, Superintendent of the Washington State Penitentiary and Gerald J. Thompson, Secretary, Department of Social and Health Services, having reviewed the records and reports contained in the institutional file for Kelly D. Messinger, certified that his work and conduct have been meritorious and recommended that his sentence be commuted and he be paroled to a plan approved by the Board of Prison Terms and Paroles.

Letters of support and recommendation have been presented on behalf of Kelly D. Messinger, all recommending that Kelly D. Messinger be considered for parole.

All the information available to me with respect to Kelly D. Messinger has been carefully reviewed, and the recommendations of public officers who are knowledgeable of his present circumstances have been considered. I have concluded that further incarceration of Kelly D. Messinger is not in the best interest of society or himself, that he is demonstrably rehabilitated, and that he will be able to fill a responsible role in the community and will not be a threat to other persons.

On January 8, 1981, a commutation order was signed to commute the life sentence of Kelly D. Messinger and authorize the Board of Prison Terms and Paroles to parole Kelly D. Messinger, subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by said Board, including the authority to revoke the parole and return Kelly D. Messinger to imprisonment.

Respectfully submitted,
DIXY LEE RAY
Governor.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3051, by Senators von Reichbauer, Conner, Gallagher, Guess and Zimmerman (by Department of Licensing request):

AN ACT Relating to motor vehicles; and amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 60, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.311.

Referred to Committee on Transportation.

SENATE BILL NO. 3052, by Senators von Reichbauer, Conner, Gallagher and Guess (by Department of Licensing request):

AN ACT Relating to driver records; and amending section 5, chapter 155, Laws of 1969 ex. sess. as amended by section 149, chapter 158, Laws of 1979 and RCW 46.20.118.

Referred to Committee on Transportation.

SENATE BILL NO. 3053, by Senators von Reichbauer, Conner, Gallagher, Guess and Zimmerman (by Department of Licensing request):

AN ACT Relating to motor vehicles; amending section 41, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.336; and amending section 4, chapter 155, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1971 ex. sess. and RCW 46.20.117.

Referred to Committee on Transportation.

SENATE BILL NO. 3054, by Senator Talmadge:

AN ACT Relating to transportation; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3055, by Senators Wilson, Hayner, Hansen and Lee:

AN ACT Relating to excise taxes on real estate transfers; amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010; amending section 14, chapter 154, Laws of 1980 (uncodified); and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3056, by Senators Talmadge, Quigg, Moore, Talley, Hughes, Vognild, Gould and Woody:

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; amending section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 3, chapter 214, Laws of 1979 ex. sess. and RCW 84.36.385; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3057, by Senators Charnley, Newhouse, Vognild and Benitz:

AN ACT Relating to alcoholic beverages; amending section 23-0 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 3, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.340; and amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as last amended by section 4, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.400.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3058, by Senators Charnley, Goltz and Scott:

AN ACT Relating to higher education; amending section 1, chapter 43, Laws of 1979 and RCW 28B.10.580; amending section 2, chapter 43, Laws of 1979 and RCW 28B.10.582; and creating a new section.

Referred to Committee on Higher Education.

SENATE BILL NO. 3059, by Senators Hansen, McCaslin and Lee:

AN ACT Relating to irrigation districts; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3060, by Senators Charnley, Newhouse, Vognild and Benitz:

AN ACT Relating to alcoholic beverages; amending section 23K added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.200; amending section 23R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 16, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.370; and amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 10, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.28.040.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3061, by Senators Talmadge, Lee, Wojahn and Zimmerman:

AN ACT Relating to community municipal corporations; amending section 2, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.211; amending section 3, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.215; amending section 35.10.260, chapter 7, Laws of 1965 as last amended by section 11, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.260; amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 6, chapter 220, Laws of 1975 1st ex. sess. and RCW 35.13-.015; amending section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.020; amending section 35.13.110, chapter 7, Laws of 1965 as last amended by section 10, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.110; adding new sections to chapter 35.14 RCW; repealing section 1, chapter 73, Laws of 1967 and RCW 35.14.010; repealing section 2, chapter 73, Laws of 1967 and RCW 35.14.020; repealing section 3, chapter 73, Laws of 1967 and RCW 35.14.030; repealing section 4, chapter 73, Laws of 1967 and RCW 35.14.040; repealing section 5, chapter 73, Laws of 1967 and RCW 35.14.050; and repealing section 6, chapter 73, Laws of 1967 and RCW 35.14.060.

Referred to Committee on Local Government.

SENATE BILL NO. 3062, by Senators von Reichbauer, Sellar, Talley and Guess (by Department of Transportation request):

AN ACT Relating to the adoption of state traffic restrictions; and amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010.

Referred to Committee on Transportation.

SENATE BILL NO. 3063, by Senators von Reichbauer, Guess, Talley, Sellar and Conner (by Department of Transportation request):

AN ACT Relating to the motor vehicle fund and the investment thereof; amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 43.84.090; amending section 2, chapter 72, Laws of 1971 ex. sess. as last amended by section 1, chapter 17, Laws of 1977 and RCW 43.85.241; repealing section 43.84.095, chapter 8, Laws of 1965 and RCW 43.84.095; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3064, by Senators von Reichbauer, Sellar, Talley, Guess and Zimmerman (by Department of Transportation request):

AN ACT Relating to motor vehicles; amending section 3, chapter 42, Laws of 1969 ex. sess. as amended by section 7, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.102; amending section 1, chapter 111, Laws of 1971 ex. sess. as amended by section 18, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.145; amending section 3, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.160; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3065, by Senators von Reichbauer, Guess, Talley and Sellar (by Department of Transportation request):

AN ACT Relating to limited access facilities; amending section 2, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.133; amending section 1, chapter 77, Laws of 1977 and RCW 47.52.145; and amending section 3, chapter 78, Laws of 1977 ex. sess. and RCW 47.52.210.

Referred to Committee on Transportation.

SENATE BILL NO. 3066, by Senators Moore, Sellar, Jones and Bauer:

AN ACT Relating to interest rates where no rate is agreed to in writing between the parties; and amending section 1, chapter 80, Laws of 1899 and RCW 19.52.010.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3067, by Senators Talley and Gould:

AN ACT Relating to public property; and amending section 1, chapter 133, Laws of 1953 as last amended by section 1, chapter 109, Laws of 1973 and RCW 39.33.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3068, by Senators Vognild, Shinpoch and Quigg:

AN ACT Relating to local government hearing examiners; amending section 1, chapter 213, Laws of 1977 ex. sess. and RCW 35.63.130; amending section 2, chapter 213, Laws of 1977 ex. sess. and RCW 35A.63.170; amending section 3, chapter 213, Laws of 1977 ex. sess. and RCW 36.70.970; and amending section 4, chapter 213, Laws of 1977 ex. sess. and RCW 58.17.330.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 101, by Senator Moore:

Limiting the Governor to a single six year term beginning 30 days after election.

Referred to Committee on Constitutions and Elections.

POINT OF INFORMATION

Senator von Reichbauer: "Point of inquiry, Mr. President. I notice we have a number of nominations before us sent up by Governor Ray and I would like to know the status of the nominations for confirmation that are before the Senate. There is some question as whether some confirnees are before the Senate rules committee or before standing committees of the state Senate. Perhaps the President could advise us as to the status of all the nominations of the previous four years."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The President will endeavor to obtain the information you desire, Senator von Reichbauer."

REPLY BY PRESIDENT CHERBERG

President Cherberg: "Senator von Reichbauer and other honored members of the Senate, the esteemed and honorable Sidney Snyder, Secretary of the Senate, has advised the President that lists are being prepared for your information and will soon be distributed to the members."

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Mr. President, I appreciate the list supplied to me by the Secretary of the Senate outlining the nominations we have to this time submitted by the Governor. One additional question if I might ask of the Secretary of Senate's staff at your request or suggestion would be the status of the committee assignments as they might have it at the beginning of this new session. There is some question as to whether or not there were some assignments made."

REPLY BY THE PRESIDENT

President Cherberg: "The President is aware of some assignments having been made. That list will also be prepared."

At 11:21 a.m., the Senate retired to the House Chamber for the purpose of Joint Session.

JOINT SESSION

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate John Cherberg, President Pro Tempore H. A. "Barney" Goltz, Vice President Pro Tempore Don Talley, Majority Leader Ted Bottiger and Caucus Chairman George Fleming to seats on the rostrum.

The Speaker instructed the Sergeants at Arms to escort the Senators to seats within the House Chamber.

The Speaker presented the gavel to the President of the Senate.

The Clerk called the roll of the House and all members were present except Representative Sanders.

The Secretary of the Senate called the roll of the Senate, and all members were present.

The President of the Senate appointed Senator Bottiger and Representative Barr to escort Chief Justice Robert F. Brachtenbach to the rostrum.

The President of the Senate appointed Senators Talmadge, Clark, Woody and Hemstad and Representatives Sanders, Thompson, Clayton and Heck to escort the Supreme Court Justices to seats within the House Chamber.

The President of the Senate appointed Senators Gaspard, McDermott, Guess and Craswell and Representatives Bond, Maxie, Barnes and Erak to escort the elected state officials to seats within the House Chamber.

The President of the Senate appointed Senators Newhouse and Hurley and Representatives Garson and Kreidler to escort Former Governor Daniel J. Evans to a seat within the House.

RESIGNATION OF MEMBER

Representative Taller, of the 36th Legislative District, resigned his position, effective January 14, 1981.

APPOINTMENT OF REPRESENTATIVE

January 9, 1981

Mr. Bill Polk, Speaker
House of Representatives
Legislative Building
Olympia, Washington

Dear Speaker Polk:

The King County Council in regular session today confirmed the appointment of Jay Lane to the vacancy in the House of Representatives for the 36th Legislative District, Position 2, to be effective January 14, 1981.

Sincerely,
Dorothy M. Owens, Deputy Clerk

The President of the Senate appointed Representatives Fancher and Dawson to escort Jay Lane to the rostrum.

Chief Justice Brachtenbach administered the oath of office to Ms. Lane.

The President of the Senate directed the committee to escort Representative Lane to her seat on the floor of the House.

The President of the Senate appointed Senators Fleming and Hayner and Representatives Greengo and Owen to escort Governor-elect and Mrs. Spellman to the rostrum.

The President: "The President is going to take advantage of the extra time we have. This is a very enjoyable experience and I am going to add to my enjoyment by introducing the members of Governor-elect and Mrs. Spellman's family.

"First of all, a very charming and gracious young lady, named Katherine, also known as 'Kat,' who will be a sixth grader at St. Michael's Grade School. Perhaps sometime, Kat, if you have enough influence, you might be able to become a page in Olympia.

"Another young beauty, Teresa, who will be a junior at Olympia High School; "Handsome young son, Jeff, who is beginning his first term at The Evergreen State College;

"Another son, David, is a senior at Seattle University;

"Bart, who is an economics graduate of the University of Washington and is employed in Seattle. In a little aside, John's father, Bart, was a football coach at the University of Washington in the late twenties and early thirties. I metriculated at the University in 1929 and grew to know Coach Spellman very well and admired him highly and had a great deal of respect for him, not only as a man but as a football coach. He was the one holdover from coaching on Bradshaw's staff to serve on

Jimmy Falin's staff, which was quite a compliment because Jimmy Falin was a hardheaded Irishman, too.

"Another young lady, Margo, who is employed organizing the 13th International Cancer Congress to be held in Seattle in 1982, and her husband, Brian Tagas, who is a recent MBA graduate of the University of Washington.

"It is also a great pleasure and honor to present Mrs. Frank Murphy, who is the Governor's mother-in-law of Seattle; the Governor's sister, Mrs. Eugene Tully and her son Steve of Encino, California; and Mrs. Spellman's brother, Dr. Gerald Murphy and his wife, Bridgett, of New York.

"And now to get back to the football note, a man who has thrilled thousands upon thousands of people at the University of Washington with his eloquent voice, the honorable Robert McGrath, who will honor us by singing the National Anthem."

Mr. McGrath sang The Star Spangled Banner.

Prayer was offered by Archbishop Raymond G. Hunthausen of the Catholic Diocese of Seattle:

"Lord God, Master of the Universe, we gather here today with joyful hearts uplifted in gratitude and praise. We bless You, God of Freedom, for making us a free people and for helping us work to remain free of all that threatens to make us slaves. We thank You, Lord God our Redeemer, for showing us how we might be a free people in spirit and in heart. Look kindly on Your servant, John Spellman, and on these officials with whom he will govern the people of our state. As You directed Your holy servant, Moses, to lead Your children of Israel from slavery, from the oppression of evil, so direct these, our chosen public servants, that they may stay free from the oppression of evil, of greed or of the lust for power over others. Let their efforts at serving the common good be founded always on a profound respect for the dignity of the human person. In seeking solutions to the vast social and political problems that will confront them as officeholders, strengthen them to keep their eyes fixed on the dignity of every citizen. Help them to remember in their service on our behalf, that the great resources and complicated structures at their disposal exist primarily for the sake of the people, not the people for them. God of justice and mercy, let our new Governor and his colleagues hunger and thirst for justice and for peace. Where there is hatred, let them so love; where there is despair, hope; where there is darkness, light; and where there is sadness, joy. Give courage and endurance to their spouses and families for the demands that this time of public service will make on them. God of kindness and love, grant Governor Spellman and these government officials the grace of being faithful to the call that is theirs and the gift of being grateful for the pleasures and the trials in building the human community. Blessed are You, Lord God, Master of the Universe, for bringing us together here today with joyful hearts uplifted in praise. We thank You and we bless Your Name. Amen."

The President: "Thank you ever so much, your excellency for your most inspirational and heartwarming prayer. Every person here is delighted and honored that you could be with us today. Ladies and gentlemen, this Joint Session has been called for the purpose of administering the oath of office to the constitutionally elected officials of the State of Washington, and to receive the Inaugural Address of the Governor."

The President returned the gavel to The Speaker.

OATH OF OFFICE TO ELECTIVE OFFICIALS

The President of the Senate and the Speaker of the House of Representatives signed the certificates of election for the elected state officials.

Justice William H. Williams administered the oath of office to Lieutenant Governor John A. Cherberg and the Speaker presented the certificate of election to him.

The Speaker presented the gavel to the President of the Senate.

Justice Robert F. Utter administered the oath of office to Secretary of State Ralph Munro, and the President of the Senate presented the certificate of election to him.

Justice Fred H. Dore administered the oath of office to State Treasurer Robert F. O'Brien, and the President of the Senate presented the certificate of election to him.

Justice Hugh H. Rosellini administered the oath of office to State Auditor Robert V. "Bob" Graham, and the President presented the certificate of election to him.

Justice Carolyn R. Dimmick administered the oath of office to Attorney General Kenneth O. Eikenberry, and the President presented the certificate of election to him.

Justice Floyd V. Hicks administered the oath of office to Superintendent of Public Instruction Frank B. Brouillet, and the President presented the certificate of election to him.

Justice James M. Dolliver administered the oath of office to Insurance Commissioner Richard G. "Dick" Marquardt, and the President presented the certificate of election to him.

Chief Justice Robert F. Brachtenbach administered the oath of office to Commission of Public Lands Brian J. Boyle, and the President presented the certificate of election to him.

Chief Justice Robert F. Brachtenbach administered the oath of office to Governor John Spellman, and the President presented the certificate of election to him.

The President introduced Governor John Spellman.

GOVERNOR'S INAUGURAL ADDRESS

"Lieutenant Governor Cherberg, Mr. Speaker, Your Excellency Archbishop Hunthausen, former Governor Dan Evans, Mr. Chief Justice, distinguished members of the Supreme Court, distinguished Elected Officials, members of the Legislature:

"Coach Cherberg, you may be sure that even though my father was a football coach of yours, I'm certainly not going to be a coach, I expect you to give me a little coaching as you have today. It is, of course, both an honor and a humbling experience that you and I have been entrusted by the people of the State of Washington with their aspirations for the state for the next four years. I urge you to now pray with me for divine inspiration and assistance so that we may carry out that stewardship with wisdom, with justice and with charity.

"When a new governor stands before the people and the Legislature of the State of Washington for the first time, there is a moment when we can enjoy a sense of anticipation—a possibility that an era of candor and cooperation between the Executive and the Legislature will begin.

"If we can achieve that, there is no task that we cannot attack. If we cannot work together, even the simplest of goals will elude us. I pledge myself to cooperate with you. Let us have a fresh start, a new relationship; not alone for you and me, but for the State and all of the people of Washington.

"Let us work together with mutual respect.

"The troubles which we face—and which we share—certainly crowd the headlines and the news reports. We are constantly reminded of the difficult decisions which we must make in the days ahead. There is no question in my mind that they are difficult and complex decisions, but in the beginning days of my administration and your legislative session our attitude should be based more on optimism than upon doubt. More in hope than in resignation. More in enthusiasm than in despair. I urge you to

share my conviction that 105 days from today we will face the people of the state and tell them that we have served them well. That we have maintained vital services. That we have cut back the cost of ongoing programs. That we have provided with compassion for those in urgent need.

"I call for this optimism fully aware of the financial situation which faces us immediately and of the sacrifices that each citizen must share. Tomorrow I will propose a program to meet financial needs. That program will not require a tax increase.

"We must do more than merely meet the present crisis. We must assure that it will not happen again. I will propose, after consultation with you, that we require by law that the state build a revenue reserve; a counter-cyclical fund to see us through the declines in the national economy when tax revenues dip and important services are threatened. We must learn the lesson of the Old Testament story of the fat years and the lean years. We must develop resources which will see us through those in times of need like these.

"Indeed, it is times like these that demand the careful nurturing of all our resources. To accomplish this I have been working the last many weeks assembling a management team. I hope that team will earn your respect for the thoughtful and energetic way in which they will administer their departments and deliver high-quality services at the greatest economy possible.

"To accomplish this will require the whole-hearted cooperation of our dedicated corps of public employees. We all respect the magnitude of the job which they do. I am charging my department heads to open and maintain the internal channels of communication among the state employees, their supervisors and the top levels of the department. We want to establish teams which will make each department trim, manageable and efficient. We must utilize the talents which reside in the personnel of the state government and, at the same time, acknowledge their right to adequate compensation and support their legitimate aspirations.

"Just as we should not make up the deficits in the state budget from the pay envelopes of the employees, we must not be parties to balancing our budget on the shoulders of the poor. The need for food and medical care for children and the aged does not decrease in tough times. The needs of the mentally ill and developmentally disabled do not diminish in times of tight budgets. We must not turn our backs on those who must turn to this government when all else fails. Those able to work should be provided an opportunity to work. Welfare grants must encourage—not discourage—work. Training programs must equip people for work that is available now. We must have affordable housing. We must address these issues with the assurance that the public recognizes the need. The history of this state demonstrates beyond a shadow of a doubt that our citizens will accept their responsibility to aid those in need.

"Even as I am speaking today, our state prisons and local jails are bursting at the seams, and every indication is that the budget assumptions regarding prison population in the next two years are 500 to 1,000 persons short of the problem we will really face. To meet this urgent need, I will present a plan to use—at least on a temporary basis—the McNeil Island facility. We will also proceed with additional facilities which you have already authorized. We have a big need and it will take several approaches to solve that problem.

"The prison problem is only one segment of the whole criminal justice system. The entire system needs a review—from juvenile delinquency to long-term imprisonment. It is a time for rethinking current practices, and perhaps for shedding long-held notions. To take the first steps in this rethinking, I will bring together all of the parties—police, prosecutors, judges, correction officials, parole boards and the Legislature to give high priority to developing a criminal justice system which will be appropriate to the needs of the eighties and which will reflect the hopes of society.

"On the subject of corrections, I must make an additional statement. Our goal is to provide secure but humane prisons. While serious criminals must be separated from society, we must not merely 'warehouse' offenders. We need rehabilitative and work programs which not only reduce idleness, but give individuals a greater sense of their own worth. Recent disorders in our state prisons are producing an effect which is directly opposite to the goals of the inmates. They should be aware that, while we can be persuaded, we will not be threatened.

"While social concerns take a lion's share of our budget, we must continue this state's commitment to the excellence of education from kindergarten through graduate school. We start with strong public schools, providing sound basic education with maximum local control. At the same time we must assure that the state, which funds—and must fund—basic education in full, will have the requisite control over costs.

"Community colleges must remain open to those whose future earning capacity is dependent on the education, training and retraining available to them in the community colleges.

"Our colleges and universities have suffered in recent years. They are essential to the enhancement of our future cultural and economical growth. It may be impossible to solve all their problems in the next biennium, but we must develop a comprehensive plan for their future fiscal health, and set it in motion. Tuitions must increase in a fair and predictable manner, and the educational institutions must be allowed maximum financial flexibility in order to proceed through these difficult times.

"In addition to the vital services which they offer to our economy in many research fields, our major universities are one of the underpinnings of our agricultural and fisheries industries. There is an ever-increasing demand worldwide in a hungry world for the fruits of our bountiful land. Our crystal clear waters offer the promise of becoming one of the great fisheries of the world. Increasingly, the markets of the world are seeking out the products of the State of Washington and it's our job to see that they do that in an increasingly rapid manner.

"When George Vancouver sailed into Puget Sound in 1792, he wrote that the fertile landscape required only '...the industry of man...to render it the most lovely country that can be imagined.' Vancouver's concern is with us still, although from a different point of view. It is not men and women we seek, for they will come, whether we wish it or not. What is needed is expansion of job opportunities to provide work for our ever-growing population. To accomplish this, we need a vigorous policy of pursuing markets abroad and of encouraging the expansion of existing businesses and the establishment of new businesses in this state. In this latter endeavor, we must be conscious of the competitive pressures from other states that sometimes put us at a disadvantage. Not only from other states but from abroad. Our undisputed natural beauty, quality of life and business opportunity are sometimes not sufficient by themselves to tip the scales in favor of our area over inducements to locate elsewhere.

"The people of Washington cannot afford to lose employment opportunities to our neighbors. We need an aggressive industrial development program to attract the kinds of industries that are compatible with our environment. I will propose carefully drafted legislation for tax-free industrial revenue bonds. Not corporate welfare—but incentives to create jobs. Not a program with the abuses seen in a few other state...but a reasonable program which will deserve—and earn—the respect of the entire public of the State of Washington. Forty-nine other states have an industrial revenue bonding authority. This state simply must have that ability.

"Any discussion of the economy of the eighties must consider energy. It is the essential factor of the equation. We must take every step necessary to assure adequate energy to meet the needs of our growing population and healthy economy.

Our commitment must include not only construction, and we must construct, but also innovation in use of unconventional sources and, of course, conservation—conservation and more conservation.

"A revitalized—perhaps I should say, 're-energized'—Energy Office with a clear mission and a strong management is necessary. We must capture the opportunities offered by the new Northwest Regional Power Bill...opportunities to address the critical energy need of the region.

"While the decade we are entering will be a difficult one, there are no insurmountable obstacles facing us at this time. Washington state is blessed by a tradition of good government, able and dedicated public servants, and committed people who work in their communities and participate in the governmental process. Our job is to provide them with laws and administration for an atmosphere conducive to each citizen's freedom and pursuit of happiness.

"What is needed is a reaffirmation of traditional values. Families are the basic units of society. Work is good. Those who provide jobs are not the enemies of society. Education is essential. Government should regulate only to the extent necessary to protect the public. Society cannot provide everything people want, but it must be able to provide everything they need. We can achieve more by working together than by fighting one another.

"If we are to have the jobs, energy, education, and necessary social programs, we must work together and reason together.

"—Business and industry are necessary for jobs and taxes.

"—Labor unions are important in providing good conditions.

"—Strong local government is essential.

"—The environment must be protected.

"—Children must be nurtured and educated.

"—Seniors should be respected and given choices.

"We need to put aside at this beginning, this opportunity, the rhetoric that divides us. Let us emphasize those principles on which we agree—accentuate the positive. Let us start with the assumption that all of us are working in good faith, and let us get on with our job. Finally, let us pray for God's help so that working together we will enter a new era of progress—one which will satisfy the demands of our great stewardship which has been entrusted to us. Thank you." (Applause)

The President instructed the committee to escort Governor and Mrs. Spellman to the State Reception Room.

The President instructed the committees to escort former Governor Daniel J. Evans, the Supreme Court Justices and the state elected officials to the State Reception Room.

MOTION

On motion of Mr. Hastings, the Joint Session was dissolved.

The President returned the gavel to the Speaker.

The Speaker instructed the committee to escort President Cherberg, President Pro Tem Goltz, Vice President Pro Tem Tally, Majority Leader Bottiger and Caucus Chairman George Fleming to the Senate Chambers.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators to the Senate.

The President called the Senate to order at 1:10 p.m.

MOTION

At 1:11 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:30 a.m., Thursday, January 15, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 15, 1981.

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Nicola Hewitt and Michael Bounds, presented the Colors. Reverend Leo C. Brown, Jr., pastor of True Vine Community Church of Tacoma, offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, I am sure that I speak for every member of this Senate, in wanting to commend you for the wonderful way in which you conducted the business of the joint session yesterday to enhance the inauguration of the Honorable John Spellman. People comment that it was your contribution that converted that ceremony into the most human inaugural ever conducted in the State of Washington, and I think all of us are extremely proud of the way you contributed to that and we thank you."

PERSONAL PRIVILEGE

Senator Jones: "Mr. President, may I ride along on that point of personal privilege. I would like to add the remarks of Republicans present for your usual superlative job in any of the ceremonial functions that occur around here being outstanding; each of them is a surprise, a pleasure, and in yesterday's case, it was certainly outstanding."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Thank you very much, Senator Jones, and thank you ladies and gentlemen of the Senate."

MESSAGE FROM THE HOUSE

January 15, 1981

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 1.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3069, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Washington Judicial Council request):

AN ACT Relating to sentencing; amending section 35.22.560, chapter 7, Laws of 1965 as amended by section 89, chapter 81, Laws of 1971 and RCW 35.22.560; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3070, by Senator Conner:

AN ACT Relating to education; amending section 28A.45.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 154, Laws of 1980 and RCW 82.45.020, and directing the recodification thereof; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 154, Laws of 1980 and RCW 82.45.060, and directing the recodification thereof; amending section 28A.45.080, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 154, Laws of 1980 and RCW 82.45.080, and directing the recodification thereof; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 154, Laws of 1980 and RCW 82.45.090, and directing the recodification thereof; amending section 5, chapter 278, Laws of 1957 as last amended by section 8, chapter 154, Laws of 1980 and RCW 54.28.050; amending section 10, chapter 278, Laws of 1957 as last amended by section 9, chapter 154, Laws of 1980 and RCW 54.28.090; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 10, chapter 154, Laws of 1980 and RCW 36.33.110; amending section 7, chapter 154, Laws of 1923 as last amended by section 11, chapter 154, Laws of 1980 and RCW 76.12.120; amending section 2, chapter 46, Laws of 1973 as last amended by section 12, chapter 154, Laws of 1980 and RCW 28A.41.130; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW and directing the codification thereof; repealing section 5, chapter 154, Laws of 1980 and RCW 82.45.150; repealing section 6, chapter 154, Laws of 1980 and RCW 82.45.180; repealing section 13, chapter 154, Laws of 1980 and RCW 28A.41.143; repealing sections 14, 15, and 16, chapter 154, Laws of 1980 (all uncodified); declaring certain sections null and void and of no effect; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3071, by Senators Talmadge, Clarke, Newhouse, Wojahn, Lee and Hayner (by Washington Judicial Council request):

AN ACT Relating to the judiciary; amending section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067; adding a new chapter to Title 2 RCW; creating new sections; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3072, by Senators Talmadge, Newhouse and Wojahn (by Washington Judicial Council request):

AN ACT Relating to pro tempore judges; amending section 2, chapter 40, Laws of 1963 and RCW 2.04.250; amending section 2, chapter 114, Laws of 1973 and RCW 2.06.160; amending section 4, chapter 43, Laws of 1893 and RCW 2.08.170; amending section 7, chapter 259, Laws of 1957 and RCW 2.56.070; and amending section 23, chapter 299, Laws of 1961 and RCW 3.34.140.

Referred to Judiciary Committee.

SENATE BILL NO. 3073, by Senators Ridder and Metcalf:

AN ACT Relating to open public meetings; and amending section 14, chapter 250, Laws of 1971 ex. sess. as amended by section 4, chapter 66, Laws of 1973 and RCW 42.30.140.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3074, by Senators Moore, Jones, Talmadge, von Reichbauer and Zimmerman:

AN ACT Relating to revenue and taxation; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; and amending section 84.64.050, chapter 15, Laws of 1961 as amended by section 2, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3075, by Senators Bauer and Lee:

AN ACT Relating to sewer and water districts; adding a new section to chapter 56.16 RCW; and adding a new section to chapter 57.20 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3076, by Senators Goltz, Jones, Wojahn, Craswell and Shinpoch:

AN ACT Relating to revenue and taxation; and amending section 49, chapter 37, Laws of 1980 as amended by section 3, chapter 86, Laws of 1980 and RCW 82.08.0284.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3077, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Washington Judicial Council request):

AN ACT Relating to the judicial council; and amending and reenacting section 5, chapter 45, Laws of 1925 ex. sess. as amended by section 2, chapter 75, Laws of 1977 and by section 3, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3078, by Senator Newhouse (by Washington Judicial Council request):

AN ACT Relating to civil procedure; and amending section 4, chapter 136, Laws of 1895 as last amended by section 5, chapter 94, Laws of 1980 and RCW 4.56.110.

Referred to Judiciary Committee.

SENATE BILL NO. 3079, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Washington Judicial Council request):

AN ACT Relating to crimes and criminal procedure; amending section 9A.72.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.010; amending section 9A.04.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.030; adding a new section to chapter 9A.72 RCW; adding a new section to chapter 10.25 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3080, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Washington Judicial Council request):

AN ACT Relating to motor vehicle offenses; and amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3081, by Senators Rasmussen, Hansen, Charnley, Woody, Moore, Vognild, Gaspard, Bauer, Talley, Conner, Williams and Peterson (by Governor Ray request):

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3082, by Senators Rasmussen, Talley, Gallagher, Peterson and Moore (by Governor Ray request):

AN ACT Relating to retirement systems; adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3083, by Senators Goltz, Fleming, Rasmussen, Hughes, Moore, Bauer, Hansen, Talmadge, Talley, Conner, Williams and Peterson (by Governor Ray request):

AN ACT Relating to senior citizens services; amending section 2, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.020; and adding a new section to chapter 74.38 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3084, by Senators Fleming, Goltz, Bauer, Gaspard, Moore, Williams and Ridder (by Governor Ray request):

AN ACT Relating to housing for low-income persons; amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240; adding a new chapter to Title 43 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3085, by Senators Rasmussen and Moore (by Governor Ray request):

AN ACT Relating to local government investment pools; adding a new chapter to Title 39 RCW; and making an appropriation.

Referred to Committee on Local Government.

SENATE BILL NO. 3086, by Senators Charnley and Vognild (by Governor Ray request):

AN ACT Relating to revenue and taxation; amending section 4, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.030; amending section 5, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.040; amending section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 4, chapter 175, Laws of 1979 ex. sess. and RCW 82.44.150; adding a new section to chapter 82.14 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3087, by Senators Rasmussen, Goltz, Fleming, Bauer, Gaspard, Talmadge, Talley, Williams and Peterson (by Governor Ray request):

AN ACT Relating to social and health services; adding new sections to chapter 43.20A RCW; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3088, by Senators Rasmussen, Peterson and Vognild (by Governor Ray request):

AN ACT Relating to disability insurance; amending section 26, chapter 150, Laws of 1967 and RCW 48.20.013; adding a new chapter to Title 48 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3089, by Senator Hansen (by Governor Ray request):

AN ACT Relating to the common schools; amending section 3, chapter 10, Laws of 1972 ex. sess. as last amended by section 4, chapter 182, Laws of 1980 and RCW 28A.58.100; amending section 1, chapter 283, Laws of 1969 ex. sess. and RCW 28A.67.066; amending section 28A.58.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.010; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3090, by Senators Fleming, Rasmussen, Ridder and Peterson (by Governor Ray request):

AN ACT Relating to nursing homes; adding new sections to chapter 18.51 RCW; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3091, by Senators Rasmussen, Moore, Talley and Peterson (by Governor Ray request):

AN ACT Relating to disability insurance; adding new sections to chapter 48.30 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3092, by Senators Moore and Hayner (by Governor Ray request):

AN ACT Relating to excise taxation; amending section 3, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.030; amending section 4, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.040; amending section 2, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 196, Laws of 1979 ex. sess. and RCW 82.29A.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3093, by Senators Rasmussen and Moore (by Governor Ray request):

AN ACT Relating to certain personnel system appeals; creating a personnel appeals board and setting out its powers and duties; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; creating new sections; adding new sections as a new chapter in Title 41 RCW; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 4, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.125; repealing section 18, chapter 1, Laws of 1961 and RCW 41.06.180; repealing section 19, chapter 1, Laws of 1961 and RCW 41.06.190; repealing section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200;

repealing section 21, chapter 1, Laws of 1961, section 101, chapter 81, Laws of 1971 and RCW 41.06.210; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3094, by Senator McDermott (by Governor Ray request):

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3095, by Senator McDermott (by Governor Ray request):

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3096, by Senators Bottiger, Talmadge and Craswell:

AN ACT Relating to the death penalty; and amending section 2, chapter 206, Laws of 1977 ex. sess. and RCW 10.94.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3097, by Senators Moore and Fuller:

AN ACT Relating to legislative redistricting and reapportionment; and creating new sections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3098, by Senators von Reichbauer, Quigg and Talley:

AN ACT Relating to public transportation services; amending section 35.58-.240, chapter 7, Laws of 1965 as last amended by section 8, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.240; amending section 35.92.060, chapter 7, Laws of 1965 and RCW 35.92.060; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; and amending section 19, chapter 270, Laws of 1975 1st ex. sess. as amended by section 3, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.090.

Referred to Committee on Transportation.

SENATE BILL NO. 3099, by Senators von Reichbauer, Guess, Hansen and Sellar (by Governor Ray request):

AN ACT Relating to transportation; making appropriations and authorizing expenditures for the period ending June 30, 1983; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3100, by Senators Moore, Gould, Talmadge, Shinpoch, Quigg and Woody:

AN ACT Relating to mobile homes; amending section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030; and amending section 14, chapter 231, Laws of 1971 ex. sess. as amended by section 137, chapter 158, Laws of 1979 and RCW 46.12.290.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3101, by Senators Talmadge, Newhouse and Vognil:

AN ACT Relating to steel preference; and adding a new chapter to Title 39 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3102, by Senators Talmadge, Newhouse and Bottiger (by Department of Licensing request):

AN ACT Relating to motor vehicles; amending section 4, chapter 284, Laws of 1971 ex. sess. as last amended by section 94, chapter 136, Laws of 1979 ex. sess. and RCW 46.65.020; and amending section 8, chapter 284, Laws of 1971 ex. sess. as last amended by section 3, chapter 62, Laws of 1979 and RCW 46.65.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3103, by Senators Talley, Sellar, Hansen and Patterson:

AN ACT Relating to warehousemen; amending section 7-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-204; amending section 81.08.010, chapter 14, Laws of 1961 as amended by section 3, chapter 105, Laws of 1965 ex. sess. and RCW 81.08.010; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010; repealing section 81.92.010 through 81.92.100, chapter 14, Laws of 1961 and RCW 81.92.010 through 81.92.100; repealing section 81.92.110, chapter 14, Laws of 1961, section 1, chapter 13, Laws of 1972 ex. sess. and RCW 81.92.110; repealing section 81.92.120 through 81.92.140, chapter 14, Laws of 1961 and RCW 81.92.120 through 81.92.140; repealing section 81.92.150, chapter 14, Laws of 1961, section 39, chapter 199, Laws of 1969 ex. sess. and RCW 81.92.150; repealing section 81.92.160, chapter 14, Laws of 1961 and RCW 81.92.160; repealing section 81.94.010 through 81.94.050, chapter 14, Laws of 1961 and RCW 81.94.010 through 81.94.050; repealing section 81.94.060, chapter 14, Laws of 1961, section 118, chapter 154, Laws of 1973 1st ex. sess. and RCW 81.94.060; repealing section 81.94.070 through 81.94.110, chapter 14, Laws of 1961 and RCW 81.94.070 through 81.94.110; and repealing section 81.94.130, chapter 14, Laws of 1961 and RCW 81.94.130.

Referred to Committee on Agriculture.

SENATE BILL NO. 3104, by Senators von Reichbauer, Guess, Hansen and Sellar (by Governor Ray request):

AN ACT Relating to transportation; making appropriations and authorizing expenditure for the operations and capital improvements of the state department of transportation, the urban arterial board, and the board of pilotage commissioners for the period ending June 30, 1983; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3105, by Senators Charnley, Zimmerman, Conner, Peterson, McDermott, Guess, Goltz and Gould (by Department of Natural Resources request):

AN ACT Relating to natural areas; amending section 2, chapter 119, Laws of 1972 ex. sess. and RCW 79.70.020; amending section 3, chapter 119, Laws of 1972 ex. sess. and RCW 79.70.030; adding new sections to chapter 119, Laws of 1972 ex. sess. and to chapter 79.70 RCW; repealing section 5, chapter 119, Laws of 1972 ex. sess. and RCW 79.70.050; and making an appropriation.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3106, by Senator Quigg (by Governor Ray request):

AN ACT Relating to excise taxation; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1971 ex. sess. and RCW 82.32.090; adding a new section to chapter 82.32 RCW; repealing section 82.04.490, chapter 15, Laws of 1961, section 45, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.490; repealing section 82.08.070, chapter 15, Laws of 1961, section 8, chapter 293, Laws of 1961, section 8, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.070; repealing section 82.12.050, chapter 15, Laws of 1961, section

53, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.050; and repealing section 82.16.070, chapter 15, Laws of 1961, section 14, chapter 293, Laws of 1961, section 56, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.16.070.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3107, by Senators Woody, Gaspard, Quigg and Williams (by Governor Ray request):

AN ACT Relating to property tax relief; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3108, by Senators Fleming, Wojahn, McDermott, Talmadge and Ridder:

AN ACT Relating to school holidays; and amending section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 24, Laws of 1975-'76 2nd ex. sess. and RCW 28A.02.061.

Referred to Committee on Education.

SENATE JOINT RESOLUTION NO. 102, by Senators Moore, Bauer, Goltz, Hughes, Gaspard, Fleming, Talmadge, Ridder, Williams, Vognild and Wojahn (by Governor Ray request):

Permitting rent relief to retired renters.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 103, by Senators Rasmussen, Woody, Metcalf, Hayner and Pullen (by Governor Ray request):

Extending time for exercise of governor's veto of legislation to ten days during legislative session.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 104, by Senators Fleming, Moore, Zimmerman and Patterson (by Governor Ray request):

Providing the means to pay the indebtedness on public development projects.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 105, by Senator Rasmussen (by Governor Ray request):

Revising organization of the executive department.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 106, by Senators Fleming, Charnley, Bauer, Lee, Wojahn, Zimmerman and Patterson (by Governor Ray request):

Authorizing nonrecourse tax exempt revenue bonds.

Referred to Committee on Ways and Means.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, I rise to a point of parliamentary inquiry. I note some twenty-three or four bills on this morning's agenda designated as 'Executive Requests', differentiated by Governor Ray requests. As we computerize these bills, will they be differentiated from the succeeding Governor? Normally we have had just the 'E' designation and will we be able to differentiate the Executive Request of the previous Governor from those of our incoming Governor?"

REPLY BY PRESIDENT CHERBERG

President Cherberg: "The Secretary advises that the bills will be designated by reference to the governor's name . . . Governor Ray and/or Governor Spellman. Thank you, Senator Newhouse."

MOTION

On motion of Senator Fleming, the following resolution was adopted:

SENATE RESOLUTION 1981-4

By Senators Fleming, Goltz, Wojahn, Talley, Ridder, Jones, Bluechel, Haley, Sellar and McDermott:

WHEREAS, We, the members of the Senate, as we gather here together on January 15, 1981, the fourth day of the legislative session, are honored to pay tribute to the Reverend Dr. Martin Luther King, Jr., whose quiet strength and unselfish courage turned stumbling blocks into stepping stones and transformed the jangling discords of our nation into a beautiful symphony of brotherhood; and

WHEREAS, This glorious American who trumpeted the cause of the poor, the oppressed and the disenfranchised from Atlanta to Birmingham, from Selma to our nation's capital, gave hope and restored dignity to those crippled by the manacles of discrimination and poverty; and

WHEREAS, Dr. Martin Luther King, Jr., despite the difficulties and frustrations of the day, sowed the seed for an America that would permit all people regardless of race, creed, color, religion or national origin to gather in the spirit of fellowship, to fight injustice in any form; and

WHEREAS, This man, this landmark of liberation and symbol of hope, through his conscious daily efforts embodied the principle that good is real and enduring even in death; and

WHEREAS, This Nobel laureate, this citizen of the world, gave new life to millions by sounding the chords of a christianity, made mute by self-interest and narrow-mindedness; and

WHEREAS, This voice of the people and clarion of freedom was silenced by an act of violence while espousing principles of nonviolence, an act which deeply grieved the citizens of this nation and the world;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the Senate of the State of Washington, pause in our endeavors to pay tribute to one of America's most honorable and honored citizens, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of the residents of this state Dr. King's wisdom and accomplishments and to rededicate ourselves to the pursuance of his principles of love, peace, freedom, and equality for all; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to Dr. King's widow and the members of his family.

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate. On this date fifty-two years ago, Dr. Martin Luther King, Jr. was born. It is fitting that each January 15 we pause to honor this man, cherish the sacrifice and rededicate ourselves to the ideas for which he lived and died.

"Dr. King was only thirty-nine years old when an assassin's bullet cut him down. Only thirty-nine years old. Yet even though his life was short, the message in his words and examples of his life, uplifted the hearts of hundreds of thousands throughout the world. He taught us much in those thirty-nine years. He taught us that we must not rest, content with thinking we possess the truth. We must live the truth, proclaim the truth, share it. We must allow ourselves to be possessed by the

truth. We must strive to make the truth so vivid in both our language and conduct, that others will be possessed by it, too. This is what Dr. Martin King taught us and what his life showed us.

"Numerous men and women have brought the truth to the people but very, very few have brought so many people to the truth. He taught a very special kind of human dignity, that we must look both within ourselves and in all other children of God; a dignity which demands that we hold our heads up to everyone, but that we stick our noses up at no one.

"He taught us that we must resist racism, poverty, that we must resist everything that oppresses and degrades human dignity. But he taught us, too, that we must resist with dignity. We must devote ourselves so heartily to the struggles against oppression and violence, that we must even demean ourselves by, resorting to oppression and violence. He taught us that if we would remove hatred from this world that we must begin by removing hatred from our own hearts. He taught us that no one, no matter how evil their purpose is or cruel their mien, can compel us to pollute ourselves with hatred for others. And this is a very special kind of human dignity. He taught us to love God and one another that we can, and we must, raise ourselves to love the other person.

"The road he took from Atlanta to Birmingham, from Selma to the nation's capitol, from his pulpit in Montgomery to the balcony in Memphis, Tennessee with the road filled with setbacks and suffering. In his thirty-nine years he was slandered, beaten, stabbed, imprisoned. His home was bombed, the life of his children and his wife were threatened. He was the object of every kind of abuse that the opponents of equality and justice could mete out. But in his last months of life, he was still able to love his enemies and pray for their betterment.

"It is befitting that we remember and honor this man who taught us so much. Let us honor him as he would wish to be honored by us today, not merely with words and resolutions on January 15, but with the conduct of our lives every day of our lives. Let us rededicate ourselves to helping those who materially and spiritually have been oppressed. Let us meet excuses with persistence; frustration with rededicated effort; disappointment with hope; let us meet hatred with love and compassion.

"It is in this way that I think we can best honor Dr. Martin Luther King. I would ask the members of the body to stand for a minute of silent prayer. Thank you, Mr. President and members of the Senate."

The Senate members observed a moment of silence in memory of Dr. Martin Luther King, Jr.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and members of the Senate. I know many members of the Senate have been wondering about the little badges that they've been seeing on the employees throughout this chamber and the other office buildings.

"Several months ago the operation and facilities committee met and we had discussion about a number of things as they relate to security. Not only did we talk about the fact that we needed to improve the communications and security of the employees and the legislative members, and by that I mean some of the members have indicated at various times that they didn't know who certain Senate employees were or whether, in fact, a person was a Senate employee. And so we decided to institute a system around security that would allow us to identify those employees.

"The purpose of those, as I've said, is recognition of our employees and also security. We've had some problems in our office buildings and also in this building, from a peculiar standpoint of view — things coming up missing, and I think it's a very important and constructive system.

"In that light I would like to share with you, it has been our intention that the Senate employees wear those identification tags at all times, not just when they are entering or wanting to enter the chambers here, or this building, but also in the Senate office building, because if they don't do that, then I think our system is not fulfilling its full purpose.

"Going one step further, wanting these badges in that manner, but also we have been concerned about the increasing number of times the President has had to resort to his gavel to quiet down the outer areas of the chamber, not only from boisterous (sic) and loud talking, but also in leaving the floor and exiting to the offices or to the lounge or what-have-you, sometimes they have to fight their way through x number of people, whether they are employees, whether they are lobbyists, and what-have-you. And we think by instituting this system and going further with this system, that we would like to, and you will have an opportunity, I think, at a later date when we consider Senate rules, to try to cut down the congestion in the outer flanks of the floor here.

"Hopefully, along with the security badges identifying our staff people, not having staff people but are not necessarily in the wings, not having overly crowded wings with other people, unauthorized people, or some of the members have even spoken in terms of being so crowded and being lobbied as they walk off the floor and so forth. We also want to make a special effort to cut down the number of lobbyists that are lingering in the wings while we are in session. I think it is important that if you would like to talk to a lobbyist, that you need to do that kind of thing, it's important that you have that person come in, or you arrange to talk with that person for a specific time because I think what we are doing there, is that I don't think any one set or group of lobbyists should have any more of a preference over any other lobbyist where we have lobbyists standing around out here, and other lobbyists apt to be up in the gallery.

"So I would hope that this will answer some of the questions that you have in terms of the little badges. I hope also that when we come around to address our Senate rules, that both members on this side of the aisle and members on that side of the aisle will want to cooperate and try and make sure that we can operate in as efficient a manner as we possibly can, cut down the congestion, and limit the number of people without specific requirements of being in the outer wings of the Senate chamber.

"If you have any questions, I will be glad to answer them."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Thank you, Mr. President. And Senator Fleming, I want to compliment you on the great improvement you have made in our efficiency. Those are outstanding improvements and you definitely deserve a big vote of confidence for that.

"However, I was wondering in the interest; I just wanted to say that if you can get the clocks working around here, you are a real genius."

MOTION

At 12:11 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Friday, January 16, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 16, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hughes and Lysen. On motion of Senator Wilson, Senators Hughes and Lysen were excused.

The Color Guard, consisting of Pages Lisa Ehli and Kim Nielson, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 9:05 a.m., on motion of Senator Bottiger, the Senate recessed until 9:38 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 9:38 a.m.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3109, by Senators Talmadge and Clarke:

AN ACT Relating to trade secrets; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3110, by Senators Talmadge, Hemstad, Shinpoch, Zimmerman and Deccio:

AN ACT Relating to the courts; amending section 3, chapter 259, Laws of 1957 and RCW 2.56.030; amending section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070; amending section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260; amending section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020; amending section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66.020; amending section 22, chapter 299, Laws of 1961 and RCW 3.34.130; amending section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010; amending section 2, chapter 187, Laws of 1919 and RCW 12.40.020; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.08 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 3.02 RCW; and creating new sections.

Referred to Judiciary Committee.

SENATE BILL NO. 3111, by Senators Moore, Clarke and Talmadge:

AN ACT Relating to privileged communications; amending section 294, page 187, Laws of 1854 as last amended by section 2, chapter 215, Laws of 1979 ex. sess. and RCW 5.60.060; amending section 51.04.050, chapter 23, Laws of 1961 and RCW 51.04.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3112, by Senators Talmadge, Hemstad, Shinpoch, Vognild and Deccio:

AN ACT Relating to civil procedure; and amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3113, by Senators Talmadge, Ridder and Vognild:

AN ACT Relating to retail sales; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3114, by Senators Talmadge and Hayner:

AN ACT Relating to attorneys' fees; amending sections 368 and 369, page 201, Laws of 1854 as last amended by section 1, page 337, Laws of 1890 and RCW 4.84.030; amending section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250; amending section 5, chapter 84, Laws of 1973 and RCW 4.84.290; amending section 6, chapter 84, Laws of 1973 as amended by section 4, chapter 94, Laws of 1980 and RCW 4.84.300; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 12.20.060; adding new sections to chapter 4.84 RCW; and repealing section 1, page 176, Laws of 1885, section 1, page 9, Laws of 1888, section 1, chapter 44, Laws of 1891, section 1, chapter 48, Laws of 1895 and RCW 4.84.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3115, by Senators Talmadge, Hemstad and Shinpoch:

AN ACT Relating to contractors' bonds; amending section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3116, by Senators Talmadge, Hemstad, Shinpoch and Deccio:

AN ACT Relating to civil procedure; and amending section 4, chapter 136, Laws of 1895 as last amended by section 5, chapter 94, Laws of 1980 and RCW 4.56.110.

Referred to Judiciary Committee.

SENATE BILL NO. 3117, by Senators Talmadge, Hemstad and Jones:

AN ACT Relating to information for the judicial system; amending section 2, chapter 70, Laws of 1980 and RCW 36.18.027; amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110; amending section 13, chapter 128, Laws of 1980 and RCW 46.63.150; adding a new section to chapter 2.32 RCW; adding a new section to chapter 3.62 RCW; adding a new section to chapter 4.64 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 36.18 RCW; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3118, by Senators Gaspard and Sellar:

AN ACT Relating to port districts; and amending section 1, chapter 62, Laws of 1974 ex. sess. and RCW 53.08.280.

Referred to Committee on Local Government.

SENATE BILL NO. 3119, by Senators Conner, Charnley and Bauer:

AN ACT Relating to the export of western red cedar from state public lands; adding a new chapter to Title 79 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3120, by Senators Talmadge, Hayner and Bottiger:

AN ACT Relating to organized crime; amending section 1, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.850; amending section 3, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.854; amending section 4, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.856; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 146, Laws of 1980 and RCW 43.43.858; amending section 8, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.864; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3121, by Senators Haley and Moore:

AN ACT Relating to prophylactic vendors; amending section 1, chapter 82, Laws of 1969 ex. sess. as amended by section 4, chapter 90, Laws of 1979 and RCW 18.64.009; amending section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160; amending section 14, chapter 122, Laws of 1969 and RCW 18.100.140; repealing section 1, chapter 192, Laws of 1939 and RCW 18.81.010; repealing section 2, chapter 192, Laws of 1939 and RCW 18.81.020; repealing section 5, chapter 192, Laws of 1939 and RCW 18.81.025; repealing section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035; repealing section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040; repealing section 8, chapter 192, Laws of 1939 and RCW 18.81.050; repealing section 6, chapter 192, Laws of 1939 and RCW 18.81.060; repealing section 9, chapter 192, Laws of 1939 and RCW 18.81.065; repealing section 10, chapter 192, Laws of 1939 and RCW 18.81.070; repealing section 7, chapter 192, Laws of 1939 and RCW 18.81.080; and repealing section 11, chapter 192, Laws of 1939 and RCW 18.81.900.

Referred to Committee on Social and Health Services.

SENATE JOINT RESOLUTION NO. 107, by Senators Talmadge, Hemstad and Wojahn:

Authorizing additional court commissioners.

Referred to Judiciary Committee.

MESSAGE FROM THE GOVERNOR

January 16, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

My predecessor, the Honorable Dixy Lee Ray, submitted to you during prior legislative sessions a list of appointments, for your confirmation. In addition, certain other appointments have been made during the interim on which you have not acted in any manner.

Exercising your discretion you have not acted favorably upon the appointments, and I have not asked for their confirmation. Therefore, I respectfully request that all appointments now before the Senate be returned to me.

It is my intent that all commissions or boards shall have a quorum for the purpose of operation. Therefore, I shall expeditiously submit nominations for those commissions or boards where the return of the appointment(s) reduces the membership below the number necessary for legal operation.

I request the return of the following appointments: (see attached).

Sincerely,
John Spellman
Governor.

COMMISSION ON ASIAN-AMERICAN AFFAIRS

RAY E. CORPUZ, JR., reappointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983.

TERUKO OGATA DANIEL, reappointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983.

PIO DeCANO, II, appointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983, succeeding Raymond T. Lew.

DAVIS M. GARABATO, JR., appointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983, succeeding Tony P. Borromeo, Jr.

WENDY F. HAMAI, reappointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983.

TAKESHI KUBOTA, reappointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983.

SUN Y. PANG, appointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983, succeeding James M. Mar.

ANTHONY J. WHYTE, appointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1981, succeeding Yoshio Kosai.

H. T. WONG, reappointed as a Member of the Commission on Asian-American Affairs, for a term beginning December 17, 1980 and ending June 30, 1983.

STATE COMMISSION FOR THE BLIND

MARLEE L. NADDY, appointed as a Member of the State Commission for the Blind, for a term beginning October 23, 1980 and ending September 30, 1983, succeeding Frank M. Cuta.

PHILIP A. PETER, appointed as a Member of the State Commission for the Blind, for a term beginning October 23, 1980 and ending September 30, 1983, succeeding Luddy Martinson.

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

STEPHEN L. CHASE, reappointed as a Member of the State Board for Community College Education, for a term beginning April 8, 1980 and ending April 3, 1984.

ROBERT J. COLLINS, appointed as a Member of the State Board for Community College Education, for a term beginning January 8, 1981 and ending April 3, 1981, succeeding Ian R. MacGowan.

LARRY SANFORD, appointed as a Member of the State Board for Community College Education, for a term beginning July 18, 1980 and ending April 3, 1983, succeeding Dave McNally.

JAMES M. SPALDING, reappointed as a Member of the State Board for Community College Education, for a term beginning April 8, 1980 and ending April 3, 1984.

COMMUNITY COLLEGE DISTRICT NO. 1 (PENINSULA)

GAEL R. STUART, reappointed as a Member of the Board of Trustees for Peninsula Community College District No. 1, for a term beginning December 16, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 2 (GRAYS HARBOR)

ANN HOBI SCROGGS, appointed as a Member of the Board of Trustees for Grays Harbor Community College District No. 2, for a term beginning November 10, 1980 and ending September 30, 1985, succeeding Dorothy Murphy.

COMMUNITY COLLEGE DISTRICT NO. 3 (OLYMPIC)

RONALD LEE ROGERSON, appointed as a Member of the Board of Trustees for Olympic Community College District No. 3, for a term beginning October 22, 1980 and ending September 30, 1985, succeeding Phyllis Goldschmid.

COMMUNITY COLLEGE DISTRICT NO. 4 (SKAGIT VALLEY)

SCOTT O. RICHARDS, reappointed as a Member of the Board of Trustees for Skagit Valley Community College District No. 4, for a term beginning October 3, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 6 (SEATTLE)

ARTHUR SIEGAL, reappointed as a Member of the Board of Trustees for Seattle Community College District No. 6, for a term beginning October 23, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 7 (SHORELINE)

NANCY S. RUST, appointed as a Member of the Board of Trustees for Shoreline Community College District No. 7, for a term beginning March 13, 1980 and ending September 30, 1984, succeeding Robert G. Leonard.

COMMUNITY COLLEGE DISTRICT NO. 9 (HIGHLINE)

ED POOLEY, appointed as a Member of the Board of Trustees for Highline Community College District No. 9, for a term beginning December 16, 1980 and ending September 30, 1985, succeeding Reid E. Hale.

COMMUNITY COLLEGE DISTRICT NO. 12 (CENTRALIA)

WILLIAM G. KELLER, appointed as a Member of the Board of Trustees for Centralia Community College District No. 12, for a term beginning October 22, 1980 and ending September 30, 1985, succeeding Vernon L. Martin.

COMMUNITY COLLEGE DISTRICT NO. 13 (LOWER COLUMBIA)

G. W. BURCHIM, reappointed as a Member of the Board of Trustees for Lower Columbia Community College District No. 13, for a term beginning October 21, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 14 (CLARK)

THOMAS R. HAGLEY, appointed as a Member of the Board of Trustees for Clark Community College District No. 14, for a term beginning November 25, 1980 and ending September 30, 1985, succeeding Gary Olson.

COMMUNITY COLLEGE DISTRICT NO. 15 (WENATCHEE)

HAROLD M. SCHROEDER, appointed as a Member of the Board of Trustees for Wenatchee Community College District No. 15, for a term beginning October 3, 1980 and ending September 30, 1985, succeeding Dennis S. Johnson.

COMMUNITY COLLEGE DISTRICT NO. 16 (YAKIMA)

RICHARD OLIVAS, appointed as a Member of the Board of Trustees for Yakima Community College District No. 16, for a term beginning October 2, 1980 and ending September 30, 1985, succeeding Dr. James E. Brooks.

COMMUNITY COLLEGE DISTRICT NO. 17 (SPOKANE)

DOROTHY M. KNECHTEL, reappointed as a Member of the Board of Trustees for Spokane Community College District No. 17, for a term beginning October 2, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 18 (BIG BEND)

ROWENA B. CHRISTENSEN, reappointed as a Member of the Board of Trustees for Big Bend Community College District No. 18, for a term beginning December 9, 1980 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 19 (COLUMBIA BASIN)

H. JAMES WORTHINGTON, appointed as a Member of the Board of Trustees for Columbia Basin Community College District No. 19, for a term beginning November 19, 1980 and ending September 30, 1985, succeeding Bernard Calfee.

COMMUNITY COLLEGE DISTRICT NO. 20 (WALLA WALLA)

PATRICIA A. RICHARDSON, reappointed as a Member of the Board of Trustees for Walla Walla Community College District No. 20, for a term beginning January 12, 1981 and ending September 30, 1985.

COMMUNITY COLLEGE DISTRICT NO. 22 (TACOMA)

SALLY STARKE, reappointed as a Member of the Board of Trustees for Tacoma Community College District No. 22, for a term beginning October 21, 1980 and ending September 30, 1985.

EMERGENCY MEDICAL SERVICES COMMITTEE

LEE R. COX, appointed as a Member of the Emergency Medical Services Committee, for a term beginning October 7, 1980 and ending July 1, 1983, succeeding Lowell D. Haugen.

MICKEY S. EISENBERG, appointed as a Member of the Emergency Medical Services Committee, for a term beginning October 7, 1980 and ending July 1, 1981, succeeding Dr. M. Scott Linscott.

ANNA MAE ERICKSEN, reappointed as a Member of the Emergency Medical Services Committee, for a term beginning October 7, 1980 and ending July 1, 1983.

BOARD OF TRUSTEES FOR THE EVERGREEN STATE COLLEGE

EUGENE W. WIEGMAN, appointed as a Member of the Board of Trustees for The Evergreen State College, for a term beginning November 5, 1980 and ending September 30, 1986, succeeding Herbert Hadley.

FOREST PRACTICES APPEALS BOARD

CLIFF A. BARLAMENT, appointed as a Member of the Forest Practices Appeals Board, for a term beginning June 27, 1980 and ending January 1, 1985, succeeding Thomas O. Wimmer.

GAMBLING COMMISSION

E. PAT WANAMAKER, appointed as a member of the Gambling Commission, for a term beginning January 1, 1981 and ending June 30, 1982, succeeding Fred E. Haggard.

HOSPITAL COMMISSION

BEVERLY FREEMAN, appointed as a Member of the Hospital Commission, for a term beginning July 17, 1980 and ending July 16, 1984, succeeding Jon Galt Bowman.

JON D. SMILEY, appointed as a Member of the Hospital Commission, for a term beginning July 17, 1980 and ending July 16, 1984, succeeding Sister Charlotte Van Dyke.

STATE JAIL COMMISSION

ERNEST I. J. AGUILAR, reappointed as a Member of the State Jail Commission, for a term beginning December 16, 1980 and ending October 7, 1983.

STATE PARKS AND RECREATION COMMISSION

JEFF DOMASKIN, reappointed as a Member of the State Parks and Recreation Commission, for a term beginning January 1, 1981 and ending December 31, 1986.

DON HODGES, appointed as a Member of the State Parks and Recreation Commission, for a term beginning February 3, 1977 and ending December 31, 1982, succeeding Ben Hayes.

ALLEN F. STRATTON, appointed as a Member of the State Parks and Recreation Commission, for a term beginning January 1, 1979 and ending December 31, 1982, succeeding Robert Downing.

EUSTACE VYNNE, JR., reappointed as a Member of the State Parks and Recreation Commission, for a term beginning January 1, 1981 and ending December 31, 1986.

STATE PERSONNEL BOARD

CARL G. WESTINE, appointed as a Member of the State Personnel Board, for a term beginning September 12, 1980 and ending January 4, 1985, succeeding Taul Watanabe.

BOARD OF PILOTAGE COMMISSIONERS

W. P. ELLIS, appointed as a Member of the Board of Pilotage Commissioners, for a term beginning December 29, 1980 and ending December 26, 1984, succeeding Jim Blackmore.

CAPTAIN M. R. FLAVEL, appointed as a Member of the Board of Pilotage Commissioners, for a term beginning August 8, 1980 and ending December 26, 1983, succeeding Captain W. W. Henshaw.

BERT C. HOLMES, reappointed as a Member of the Board of Pilotage Commissioners, for a term beginning December 29, 1980 and ending December 26, 1984.

BURT A. SHEARER, reappointed as a Member of the Board of Pilotage Commissioners, for a term beginning August 8, 1980 and ending December 26, 1983.

MELVIN M. STEWART, reappointed as a Member of the Board of Pilotage Commissioners, for a term beginning December 29, 1980 and ending December 26, 1984.

POLLUTION CONTROL HEARINGS BOARD

MARIANNE CRAFT NORTON, appointed as a Member of the Pollution Control Hearings Board, for a term beginning December 1, 1980 and ending June 30, 1986, succeeding Chris Smith.

COUNCIL FOR POSTSECONDARY EDUCATION

DOUGLAS R. SCOTT, JR., appointed on August 26, 1980 as a Member of the Council for Postsecondary Education, for a term coextensive with his tenure as a student and not exceeding three years, succeeding Zachary D. Lueck.

BOARD OF PRISON TERMS AND PAROLES

DIANA OBERQUELL, reappointed as Chairman of the Board of Prison Terms and Paroles, for a term beginning April 16, 1980 and ending April 15, 1985.

JACOB J. PARKER, appointed as a Member of the Board of Prison Terms and Paroles, for a term beginning April 14, 1980 and ending April 15, 1982, succeeding Donald Bunch.

PUBLIC BROADCASTING COMMISSION

SHERRY AVENA, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1984.

J. BIRNEY BLAIR, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1984.

CONRAD D. EDWARDS, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1982.

NANCY ALLEN LARSEN, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1982.

VICKI S. McNEILL, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1983.

RUTH BALKEMA PRINS, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 25, 1980 and ending June 19, 1983.

MONICA SCHMIDT, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1982.

LOUIS O. STEWART, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1984.

C. T. WRIGHT, appointed as a Member of the Public Broadcasting Commission, for a term beginning June 20, 1980 and ending June 19, 1983.

PUBLIC DISCLOSURE COMMISSION

LAWRENCE B. BRADLEY, appointed as a Member of the Public Disclosure Commission, for a term beginning January 25, 1979 and ending December 31, 1983, succeeding Virginia Gregson.

MARJORIE J. KAFER, appointed as a Member of the Public Disclosure Commission, for a term beginning January 30, 1980 and ending December 31, 1984, succeeding Jean Davis.

VALORIA ANN LOVELAND, appointed as a Member of the Public Disclosure Commission, for a term beginning May 2, 1979 and ending December 31, 1981, succeeding Malachy Scanlan.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

JOHN H. LEINEN, appointed as a Member of the Public Employment Relations Commission, for a term beginning March 14, 1980 and ending September 8, 1983, succeeding Don E. Olson, Jr.

JANE RAE WILKINSON, reappointed as Chairman of the Public Employment Relations Commission, for a term beginning September 9, 1980 and ending September 8, 1985.

STATE TRANSPORTATION COMMISSION

JAMES P. SHAFFER, appointed as a Member of the State Transportation Commission, for a term beginning January 12, 1981 and ending June 30, 1986, succeeding Julia Butler Hansen.

BOARD OF REGENTS, UNIVERSITY OF WASHINGTON

DAVID L. COHN, appointed as a Member of the Board of Regents, University of Washington, for a term beginning October 7, 1980 and ending September 30, 1986, succeeding R. Mort Frayn.

ELISABETH CAREY MILLER, appointed as a Member of the Board of Regents, University of Washington, for a term beginning October 7, 1980 and ending September 30, 1986, succeeding Robert F. Philip.

UTILITIES AND TRANSPORTATION COMMISSION

GARY M. ODEGAARD, appointed as a Member of the Washington Utilities and Transportation Commission, for a term beginning January 2, 1981 and ending January 1, 1987, succeeding Frank W. Foley.

COMMISSION FOR VOCATIONAL EDUCATION

JON G. THORPE, appointed as a Member of the Commission for Vocational Education, for a term beginning July 2, 1980 and ending July 1, 1985, succeeding John Larsen.

BOARD OF TRUSTEES, WESTERN WASHINGTON UNIVERSITY

GORDON SANDISON, appointed as a Member of the Board of Trustees, Western Washington University, for a term beginning October 1, 1980 and ending September 30, 1986, succeeding Ark G. Chin.

MOTION

Senator Bottiger: "Mr. President and members of the Senate. There is before you, several pages of these appointments and I think it would unduly delay the business of the Senate to require the total reading and so therefore I move that the Secretary read the last line of the last page."

MOTION

Senator Bottiger: "Mr. President, I move that the Secretary of the Senate be instructed to comply with the request of Governor Spellman."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "The Senate, we have all read the journal, I am sure, of four years ago and the speeches that some of us then made. It is a precedent that was set at that time that Governor Spellman is asking us to comply with. I have had two conversations with him, pointing out errors that we made last time we did this; one was what I called 'killing the judge in the middle of a trial', and urged that he resolve that problem, that there are pending before, for example, the board of prison terms and paroles, some revocation hearings, and have pointed out to him that a change there would require, as I read that statute, that the revocation hearing be started all over again. I also pointed out other regulatory agencies who are adopting budgets, and that will create a problem. And he has assured me that he will expeditiously solve those and resolve those problems so that those errors do not occur. I mentioned to him that if they do, that's fair game for public comment but I wished him well in resolving these very difficult problems.

"I believe the precedent is set, a majority of the Senate is in favor of returning the appointments. There will be many of us who vote for this motion who have very close personal friends, political allies on the list; and I am sure that I will have some explaining to do, explaining my 'yes' vote. But others had to do that four years ago and I think this is the expeditious way to resolve the problem."

REMARKS BY SENATOR HAYNER

"Senator Hayner: "Mr. President, we certainly concur in your approach to this, Senator Bottiger. We are delighted, because we believe that this is a very proper and reasonable approach. Governor Spellman needs our total cooperation; he takes office at a time when we know that there are some severe problems in the state, and we want to give him every opportunity to solve those to the best of his ability; and I think it helps us as well.

"He certainly has indicated that he is not going to make a wholesale rejection of effective appointees that were made by Dixy Lee Ray. He has also said, as Senator Bottiger has indicated, that he would expeditiously appoint replacements where

necessary to comply with the requirements for a quorum and make those boards and commissions operable.

"I believe that he is going to try to do some of that over the weekend so that there will be no slip at all, and I think that we all recognize that this will be a step in the right direction. I urge your adoption of this motion."

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Mr. President, members of the Senate. I rise to concur with Senator Bottiger's motion. As you all know I worked in the last interim with Senator Bottiger and Senator Hayner on confirmation reforms. I am pleased, Senator Bottiger tells me that, within the week, that bill will be before the Senate constitution and elections committee.

"It has been a history of strangeness, dealing with the confirmation appointees. In 1897 and 1905, two attorney generals' opinions held that the Governor could, indeed, withdraw unilaterally the names of nominations before the Senate. But since 1949, attorney generals' opinions and other opinions have held that the Senate has the authority to keep them. In 1957 the Senate sent back to then incoming Governor Rosellini, thirteen nominations. In 1965 they sent back two nominations to then incoming Governor Dan Evans. And four years ago, many people on this floor sent back one hundred and twenty-four nominations to then incoming Governor Dixy Lee Ray.

"I would note, however, two differences in the language used in the letter of January 21, 1977 from Governor Ray and the language of January 16, 1981 from Governor Spellman. In the letter from Governor Ray, it states, and I quote 'I am withdrawing all the names'. There is no realization of the powers of the Senate; whereas in Governor Spellman's letter, it says and I quote: 'I respectfully request that all appointments now before the Senate be returned to me'. While both Governor Ray and Governor Spellman are new to government in Olympia, it is apparent that Governor Spellman is not new to government. Government needs a system of checks and balances and I am pleased to note that he recognizes the need for the Senate to be a part of that process. I do not know how the press will characterize the action of the Senate today but I do not think Governor Spellman won a victory or the Senate won a victory. I think the people have won."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The question before the Senate is the motion by Senator Bottiger that the Senate comply with the request of the Governor in his message dated January 16. As many as are in favor of the motion will say 'aye'. As many opposed will say 'no'. The motion is carried."

MOTION

At 9:49 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Monday, January 19, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 19, 1981.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President that all Senators were present except Senators Lysen, McDermott and Ridder. On motion of Senator Shinpoch, Senators Lysen, McDermott and Ridder were excused.

The Color Guard, consisting of Pages Mary Kennedy and Chris Clough, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3122, by Senators Gaspard and Gould:

AN ACT Relating to elections; and amending section 29.80.030, chapter 9, Laws of 1965 as amended by section 4, chapter 57, Laws of 1979 ex. sess. and RCW 29.80.030.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3123, by Senators Lysen, Vognild and Quigg:

AN ACT Relating to energy facilities; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040; amending section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3124, by Senator Conner:

AN ACT Relating to securities exempt from registration; and amending section 1, chapter 8, Laws of 1979 as last amended by section 20, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.310.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3125, by Senators Shinpoch and Gould:

AN ACT Relating to explosives; and amending section 2, chapter 111, Laws of 1931 as last amended by section 6, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3126, by Senator Shinpoch:

AN ACT Relating to personal property taxation; adding a new section to chapter 84.40 RCW; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3127, by Senators Rasmussen, Shinpoch, Lee and Deccio:

AN ACT Relating to state investments; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 21, chapter (Senate Bill No.), Laws of 1981 and RCW 43.84.150; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3128, by Senators Sellar and Talley:

AN ACT Relating to special purpose districts; amending section 35.58.120, chapter 7, Laws of 1965 as last amended by section 5, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.120; amending section 10, chapter 210, Laws of 1941 as last amended by section 2, chapter 58, Laws of 1974 ex. sess. and RCW 56.08.010; amending section 1, chapter 261, Laws of 1961 as amended by section 1, chapter 24, Laws of 1973 and RCW 56.08.100; amending section 2, chapter 261, Laws of 1961 as amended by section 2, chapter 24, Laws of 1973 and RCW 57.08.100; amending section 9, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.150; amending section 21, chapter 251, Laws of 1953 and RCW 57.24.100; adding new sections to chapter 56.24 RCW; adding new sections to chapter 57.24 RCW; and creating new sections.

Referred to Committee on Local Government.

SENATE BILL NO. 3129, by Senators Moore and McCaslin:

AN ACT Relating to the board of dental examiners; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3130, by Senators Moore and Kiskaddon:

AN ACT Relating to dental hygienists; amending section 27, chapter 16, Laws of 1923 as last amended by section 1, chapter 235, Laws of 1971 ex. sess. and RCW 18.29.050; amending section 34, chapter 16, Laws of 1923 and RCW 18.29.080; adding new sections to chapter 18.29 RCW; repealing section 6, chapter 47, Laws of 1969 and RCW 18.29.005; repealing section 26, chapter 16, Laws of 1923 and RCW 18.29.010; repealing section 32, chapter 16, Laws of 1923, section 5, chapter 47, Laws of 1969, section 26, chapter 30, Laws of 1975 1st ex. sess., section 33, chapter 158, Laws of 1979 and RCW 18.29.070; declaring an emergency; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3131, by Senators Talmadge, Kiskaddon, Moore and Quigg:

AN ACT Relating to patient abuse; amending section 1, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.010; amending section 2, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.020; amending section 3, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.030; amending section 4, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.040; amending section 6, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.060; and amending section 9, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3132, by Senators Talmadge, Kiskaddon, Moore, Deccio and Charnley:

AN ACT Relating to health care services; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and creating new sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3133, by Senators Moore, Quigg, Talmadge, Hughes, Williams, Bauer and Deccio:

AN ACT Relating to social and health services; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of

1979 and RCW 43.17.020; adding new sections to chapter 43.20A RCW; creating new sections; repealing section 3, chapter 18, Laws of 1970 ex. sess., section 62, chapter 141, Laws of 1979 and RCW 43.20A.030; and prescribing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3134, by Senators Talmadge, Kiskaddon, Moore and Quigg:

AN ACT Relating to mental illness; and amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150.

Referred to Judiciary Committee.

SENATE BILL NO. 3135, by Senators Talmadge, Kiskaddon, Moore and Quigg:

AN ACT Relating to mental illness; amending section 15, chapter 142, Laws of 1973 1st ex. sess. as amended by section 4, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.100; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 215, Laws of 1979 ex. sess. and RCW 71.05-.120; and adding a new section to chapter 71.05 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3136, by Senators Hansen, Woody, Wilson, Benitz and Zimmerman:

AN ACT Relating to agriculture-related investments; amending section 13, chapter 117, Laws of 1972 ex. sess. as amended by section 1, chapter 296, Laws of 1977 ex. sess. and RCW 43.31A.130; and amending section 71, chapter 99, Laws of 1979 and RCW 43.131.206.

Referred to Committee on Agriculture.

SENATE BILL NO. 3137, by Senators Hansen, Williams, Benitz, Zimmerman, Deccio and Wilson:

AN ACT Relating to water projects; amending section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060; amending section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040; amending section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090; amending section 77.16.210, chapter 36, Laws of 1955 as amended by section 88, chapter 78, Laws of 1980 and RCW 77.16.210; amending section 77.16.220, chapter 36, Laws of 1955 as amended by section 89, chapter 78, Laws of 1980 and RCW 77.16.220; amending section 82.04.120, chapter 15, Laws of 1961 as last amended by section 6, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.120; amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 368, Laws of 1977 ex. sess. and RCW 82.16.050; adding a new chapter to Title 75 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 3138, by Senators Hansen and Benitz:

AN ACT Relating to ground waters; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Agriculture.

SENATE BILL NO. 3139, by Senators Goltz, Newhouse and Vognild:

AN ACT Relating to the real estate excise tax; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1980 and RCW 28A.45.120; amending section 14, chapter 154, Laws of 1980 (uncodified); and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3140, by Senators Ridder, Williams, Scott and Lee:

AN ACT Relating to public utilities; adding a new section to chapter 35.92 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3141, by Senators Sellar, Deccio, Quigg, Wilson and Hansen:

AN ACT Relating to unemployment compensation; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 74, Laws of 1980 and RCW 50.04.323; amending section 4, chapter 1, Laws of 1971 and RCW 50.22.030; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3142, by Senators Guess, Williams, Hurley, Sellar and Deccio:

AN ACT Relating to transient accommodations; and amending section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290.

Referred to Committee on Commerce and Labor.

SENATE BILL NO 3143, by Senators Talley, Hemstad and Zimmerman:

AN ACT Relating to port districts; and amending section 10, chapter 65, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1969 ex. sess. and RCW 53.08.090.

Referred to Committee on Local Government.

SENATE BILL NO. 3144, by Senators Talmadge and Charnley:

AN ACT Relating to bicycles; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; amending section 43, chapter 155, Laws of 1965 ex. sess. as amended by section 30, chapter 62, Laws of 1975 and RCW 46.61.305; amending section 45, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.315; and amending section 83, chapter 155, Laws of 1965 ex. sess. as amended by section 14, chapter 141, Laws of 1974 ex. sess. and RCW 46.61.770.

Referred to Committee on Transportation.

SENATE BILL NO. 3145, by Senators Hayner and Talmadge:

AN ACT Relating to professional service corporations; amending section 11.36.010, chapter 145, Laws of 1965 and RCW 11.36.010; and amending section 6, chapter 122, Laws of 1969 and RCW 18.100.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3146, by Senators Metcalf, Hurley, Craswell and Hayner:

AN ACT Relating to educational employment relations; and amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100.

Referred to Committee on Education.

SENATE BILL NO. 3147, by Senators Goltz, Kiskaddon and Ridder:

AN ACT Relating to handicapped children; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.050; creating new sections; and adding a new chapter to Title 43 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3148, by Senators Hurley, Deccio and Conner:

AN ACT Relating to private child caring agencies; adding a new section to chapter 43.20A RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3149, by Senators Hurley, Jones and Moore:

AN ACT Relating to taxes on health care devices; amending section 48, chapter 37, Laws of 1980 as amended by section 1, chapter 86, Laws of 1980 and RCW 82.08.0283; and amending section 75, chapter 37, Laws of 1980 as amended by section 2, chapter 86, Laws of 1980 and RCW 82.12.0277.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3150, by Senators Zimmerman, Bauer and Wilson:

AN ACT Relating to library districts; amending section 2, chapter 119, Laws of 1935 as last amended by section 5, chapter 353, Laws of 1977 ex. sess. and RCW 27.12.010; amending section 1, chapter 353, Laws of 1977 ex. sess. and RCW 27.12.360; amending section 84.09.030, chapter 15, Laws of 1961 and RCW 84.09-.030; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3151, by Senators Wojahn, Bauer and Lee:

AN ACT Relating to credit unions; amending section 3, chapter 23, Laws of 1957 as last amended by section 1, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.020; amending section 4, chapter 23, Laws of 1957 and RCW 31.12.030; amending section 4, chapter 173, Laws of 1933 as last amended by section 1, chapter 41, Laws of 1980 and RCW 31.12.080; amending section 9, chapter 173, Laws of 1933 as last amended by section 3, chapter 41, Laws of 1980 and RCW 31.12-.130; amending section 15, chapter 173, Laws of 1933 as last amended by section 4, chapter 41, Laws of 1980 and RCW 31.12.190; amending section 18, chapter 173, Laws of 1933 as last amended by section 5, chapter 41, Laws of 1980 and RCW 31.12.220; amending section 8, chapter 23, Laws of 1957 as last amended by section 9, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.245; amending section 20, chapter 173, Laws of 1933 as last amended by section 5, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.260; amending section 12, chapter 23, Laws of 1957 as last amended by section 7, chapter 41, Laws of 1980 and RCW 31.12.280; amending section 13, chapter 23, Laws of 1957 as last amended by section 13, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.290; amending section 25, chapter 173, Laws of 1933 as last amended by section 8, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.310; amending section 27, chapter 173, Laws of 1933 as last amended by section 14, chapter 180, Laws of 1967 and RCW 31.12.330; creating new sections; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3152, by Senators Bauer and Lee:

AN ACT Relating to credit unions; amending section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; amending section 3, chapter 80, Laws of 1975 1st ex. sess. as amended by section 11, chapter 41, Laws of 1980 and RCW 31.12A.010; creating new sections; and adding a new section to chapter 31.12 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3153, by Senators Charnley and Zimmerman:

AN ACT Relating to cities and towns; and amending section 74.04.040, chapter 26, Laws of 1959 and RCW 74.04.040.

Referred to Committee on Local Government.

SENATE BILL NO. 3154, by Senators Wojahn, Hayner and Talmadge:

AN ACT Relating to financial institutions and deposits of individuals there-with; amending section 4, chapter 280, Laws of 1961 as amended by section 1, chapter 143, Laws of 1979 and RCW 30.20.090; amending section 10, chapter 173, Laws of 1933 as amended by section 9, chapter 131, Laws of 1943 and RCW 31.12.140; amending section 32.12.010, chapter 13, Laws of 1955 as last amended by section 1, chapter 145, Laws of 1967 and RCW 32.12.010; amending section

32.12.020, chapter 13, Laws of 1955 as last amended by section 40, chapter 117, Laws of 1974 ex. sess. and RCW 32.12.020; amending section 41, chapter 235, Laws of 1945 and RCW 33.20.040; amending section 13, chapter 176, Laws of 1963 and RCW 32.12.120; adding a new chapter to Title 30 RCW; adding a new section to chapter 30.20 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 33.20 RCW; repealing section 30.20.010, chapter 33, Laws of 1955 and RCW 30.20.010; repealing section 30.20.015, chapter 33, Laws of 1955, section 6, chapter 280, Laws of 1961, section 5, chapter 133, Laws of 1967 and RCW 30.20.015; repealing section 30.20.020, chapter 33, Laws of 1955, section 2, chapter 280, Laws of 1961, section 39, chapter 117, Laws of 1974 ex. sess., section 28, chapter 234, Laws of 1977 ex. sess. and RCW 30.20.020; repealing section 30.20.030, chapter 33, Laws of 1955, section 49, chapter 154, Laws of 1973 1st ex. sess. and RCW 30.20.030; repealing section 1, chapter 347, Laws of 1955 and RCW 30.20.035; repealing section 5, chapter 280, Laws of 1961, section 19, chapter 278, Laws of 1975 1st ex. sess. and RCW 30.20.100; repealing section 32.12.030, chapter 13, Laws of 1955, section 7, chapter 280, Laws of 1961, section 4, chapter 176, Laws of 1963 and RCW 32.12.030; repealing section 12, chapter 176, Laws of 1963, section 20, chapter 278, Laws of 1975 1st ex. sess. and RCW 32.12.110; repealing section 40, chapter 235, Laws of 1945 and RCW 33.20.030; repealing section 1, chapter 165, Laws of 1975 1st ex. sess., section 3, chapter 107, Laws of 1979 and RCW 33.20.035; repealing section 43, chapter 235, Laws of 1945, section 50, chapter 154, Laws of 1973 1st ex. sess. and RCW 33.20.050; repealing section 45, chapter 235, Laws of 1945 and RCW 33.20.070; and repealing section 46, chapter 235, Laws of 1945, section 6, chapter 246, Laws of 1963, section 41, chapter 117, Laws of 1974 ex. sess. and RCW 33.20.080.

Referred to Judiciary Committee.

SENATE BILL NO. 3155, by Senators Williams, Fuller, Goltz, Quigg and Hurley:

AN ACT Relating to heating districts; and adding a new title to the Revised Code of Washington.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3156, by Senators Williams, Fuller, Charnley, Goltz and Zimmerman:

AN ACT Relating to energy conservation; amending section 1, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.010; amending section 2, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.020; amending section 3, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.030; amending section 4, chapter 177, Laws of 1975 1st ex. sess. and RCW 39.35.040; adding a new section to chapter 39.35 RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3157, by Senators Charnley, Williams, Gould and Goltz:

AN ACT Relating to energy conservation; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Energy and Utilities.

There being no objection, the Senate returned to the third order of business.

MESSAGES FROM THE GOVERNOR

The Secretary commenced reading the messages from the governor regarding gubernatorial appointments.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, thank you. I do not believe we have a list on our desk nor have we any previous notice of these proposed references. Should not these be on our desk and should not we have a reasonable opportunity to at least, as we have the bills"

REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Your point is well taken, Senator Clarke."

MOTION

On motion of Senator Bottiger, further reading and referral of gubernatorial appointments was made a special order of business for Wednesday, January 21, 1981.

MOTION

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

MOTIONS

On motion of Senator Gaspard, the committee on education was relieved from further consideration of Senate Bill No. 3070.

On motion of Senator Gaspard, Senate Bill No. 3070 was rereferred to the committee on ways and means.

MOTION

At 11:22 a.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Wednesday, January 21, 1981.

JOHN A. CHÉRBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 21, 1981.

The Senate was called to order at 9:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Joe Cleary and J. K. Scott, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

MOTION

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

REMARKS BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "The President would like to say that the reason that I am presiding over this Senate during the last two sessions, is that Governor John Spellman has been in Washington, D.C. Attending the inaugural of Ronald Reagan as President of the United States. While the Governor is out of the city of Olympia, Lieutenant Governor Cherberg as Acting Governor, chooses not to preside over the Senate and has asked me to preside in his stead. I think it is significant that during my short reign at this rostrum that we have released the hostages and we have inaugurated a new President of the United States. I can hardly wait to see what is going to happen today."

REPORTS OF STANDING COMMITTEES

January 19, 1981.

SENATE BILL NO. 3062, exempting traffic restrictions shown by signs from adoption through the APA (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 19, 1981.

SENATE BILL NO. 3065, clarifying authority over limited access highway facilities (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Charnley, Conner, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3072, providing for subsistence, lodging, and travel expenses of pro tem judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for Second Reading.

January 16, 1981.

SENATE BILL NO. 3077, correcting a double amendment to RCW 2.52.050 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Clarke, Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 19, 1981.

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:

M. Keith Ellis, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Bob Mickelson as Director of the Department of Agriculture.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Agriculture.

January 19, 1981.

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:

Donald W. Moos, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Wilbur G. Hallauer as Director of the Department of Ecology.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

January 19, 1981.

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:

Hugh Fowler, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Edward Chow, Jr., as Director of the Department of Emergency Services.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

January 19, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASH. NGTON.

LADIES AND GENTLEMEN:

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

Norward J. Brooks, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Dr. Eugene Wiegman as Commissioner of the Department of Employment Security.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

January 19, 1981.

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:

Rolland A. Schmitten, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Gordon Sandison as Director of the Department of Fisheries.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Natural Resources.

January 19, 1981.

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:

Keith A. Angier, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Vernon L. Barnes as Director of the Department of General Administration.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

January 19, 1981.

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:

Jacob Thomas, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Louis R. Guzzo as State Historic Preservation Officer.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

January 19, 1981.

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:

Sam Kinville, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding James T. Hughes as Director of the Department of Labor and Industries.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

January 19, 1981.

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:

John Gonzalez, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding R. Y. Woodhouse as Director of the Department of Licensing.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

January 19, 1981.

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:

Joe A. Taller, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding M. Lyle Jacobsen as Director of the Office of Financial Management.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Ways and Means.

January 19, 1981.

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:

Karen Rahm, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Dean Cole as Director of the Planning and Community Affairs Agency.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Local Government.

January 19, 1981.

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:

Dr. Robert L. Hollister, Jr., reappointed January 14, 1981, for a term ending at the pleasure of the Governor, as Director of the Department of Retirement Systems.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Ways and Means.

January 19, 1981.

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:

Glenn R. Pascall, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Charles W. Hodde as Director of the Department of Revenue.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Ways and Means.

January 19, 1981.

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:

Hector Luis Torres, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Lewis Belcher, Jr., as Director of the Department of Veterans Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

January 19, 1981.

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:

Robert W. Bratton, appointed January 19, 1981, for a term ending January 1, 1987 as Chairman of the Utilities and Transportation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Energy and Utilities.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, there has been a request made that, in the case of the last gubernatorial appointment, that both the transportation, as well as the energy and utilities committee, be permitted to examine into this appointee. That creates a problem and I know of no precedent to have had two committees hear a gubernatorial appointee confirmation process. So we will take that up in our caucus and ask Senator Hayner to do the same."

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3158, by Senators Talmadge, Jones, Bottiger, Talley, Hayner and Clarke:

AN ACT Relating to tort actions; amending section 2, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.020; creating new sections; adding new sections to Title 7 RCW as a new chapter thereof; adding new sections to chapter 4.22 RCW as a part thereof; and repealing section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3159, by Senators Jones and Bottiger:

AN ACT Relating to financial institutions; and adding a new section to chapter 33.12 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3160, by Senators Craswell and Gallagher:

AN ACT Relating to property taxation; and amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3161, by Senators Talley, Gallagher, Rasmussen and Zimmerman:

AN ACT Relating to shellfish harvesting; adding a new section to chapter 79.01 RCW; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3162, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to shorelines management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3163, by Senators Talley, Conner, Peterson and Gallagher:

AN ACT Relating to law enforcement; and amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3164, by Senators Rasmussen, Talley, Conner, Shinpoch, Hemstad, Gallagher and Hughes:

AN ACT Relating to public employees' retirement; and amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3165, by Senators Moore, Gallagher, Hemstad and Wojahn:

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 77, Laws of 1979 and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 3166, by Senators Rasmussen, Shinpoch and Gallagher:

AN ACT Relating to consolidation of civil service systems; amending section 1, chapter 12, Laws of 1970 ex. sess. as amended by section 2, chapter 118, Laws of 1980 and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 as amended by section 22, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.040; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 14, chapter 87, Laws of 1980 and RCW 41.06.070; amending section 2, chapter 12, Laws of

1970 ex. sess. and RCW 41.06.080; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; repealing section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; repealing section 2, chapter 36, Laws of 1969 ex. sess., section 41, chapter 169, Laws of 1977 ex. sess. and RCW 28B.16.020; repealing section 3, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.030; repealing section 4, chapter 36, Laws of 1969 ex. sess., section 1, chapter 94, Laws of 1977 ex. sess. and RCW 28B.16.040; repealing section 5, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.050; repealing section 6, chapter 36, Laws of 1969 ex. sess., section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; repealing section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070; repealing section 8, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.080; repealing section 9, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.090; repealing section 10, chapter 36, Laws of 1969 ex. sess., section 1, chapter 19, Laws of 1971 ex. sess., section 2, chapter 154, Laws of 1973, section 2, chapter 75, Laws of 1973 1st ex. sess., section 1, chapter 122, Laws of 1975 1st ex. sess., section 8, chapter 152, Laws of 1977 ex. sess., section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; repealing section 11, chapter 36, Laws of 1969 ex. sess., section 2, chapter 122, Laws of 1975 1st ex. sess., section 10, chapter 152, Laws of 1977 ex. sess., section 16, chapter 151, Laws of 1979, section 3, chapter 11, Laws of 1980 and RCW 28B.16.110; repealing section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 17, chapter 36, Laws of 1969 ex. sess., section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180; repealing section 19, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.190; repealing section 20, chapter 36, Laws of 1969 ex. sess., section 18, chapter 151, Laws of 1979 and RCW 28B.16.200; repealing section 29, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.210; repealing section 31, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.220; repealing section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; repealing section 18, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.900; repealing section 27, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.910; repealing section 30, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.920; repealing section 28, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.930; repealing section 9, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.101; repealing section 13, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.105; repealing section 12, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.113; prescribing an effective date; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3167, by Senators Rasmussen, Shinpoch, Hemstad and Gallaghan:

AN ACT Relating to certain personnel system appeals; creating a personnel appeals board and setting out its powers and duties; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending

section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; creating new sections; adding new sections as a new chapter in Title 41 RCW; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 4, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.125; repealing section 18, chapter 1, Laws of 1961 and RCW 41.06.180; repealing section 19, chapter 1, Laws of 1961 and RCW 41.06.190; repealing section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200; repealing section 21, chapter 1, Laws of 1961, section 101, chapter 81, Laws of 1971 and RCW 41.06.210; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3168, by Senators Conner, Fuller and Zimmerman:

AN ACT Relating to assessment of forest lands for fire suppression purposes; and amending section 8, chapter 207, Laws of 1971 ex. sess. as last amended by section 11, chapter 67, Laws of 1979 ex. sess. and RCW 76.04.515.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3169, by Senators Rasmussen, Hemstad, Gallagher, Gaspard, Wojahn and Bauer:

AN ACT Relating to the Washington public employees' retirement system; and amending section 16, chapter 274, Laws of 1947 as last amended by section 10, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.150.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3170, by Senators Rasmussen and Jones (by State Finance Committee request):

AN ACT Relating to the support of state government; amending section 5, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.050; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3171, by Senators Moore, Quigg and Talmadge:

AN ACT Relating to health care facilities; and adding a new chapter to Title 19 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3172, by Senator Rasmussen:

AN ACT Relating to retail sales and use taxation; amending section 29, chapter 37, Laws of 1980 and RCW 82.08.0262; and amending section 54, chapter 37, Laws of 1980 and RCW 82.12.0254.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3173, by Senator Rasmussen:

AN ACT Relating to food fish and shellfish; and amending section 14, chapter 283, Laws of 1971 ex. sess. as amended by section 2, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.081.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3174, by Senator Conner:

AN ACT Relating to justice courts; and amending section 11, chapter 299, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3175, by Senator Shinpoch:

AN ACT Relating to consumer protection; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3176, by Senators Moore, Quigg, Talmadge, Kiskaddon, Bauer, Lee, Hughes and Charnley:

AN ACT Relating to the prevention of child abuse and neglect; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 56, Laws of 1977 ex. sess. and RCW 36.18.010; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 70, Laws of 1980 and RCW 36.18-.020; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 52, Laws of 1979 ex. sess. and RCW 43.20A.630; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3177, by Senators Moore, Quigg, Talmadge, Gaspard and Woody:

AN ACT Relating to mobile homes; amending section 3, chapter 279, Laws of 1977 ex. sess. as last amended by section 3, chapter 152, Laws of 1980 and RCW 59.20.030; amending section 5, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 152, Laws of 1980 and RCW 59.20.050; amending section 6, chapter 279, Laws of 1977 ex. sess. as amended by section 4, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.060; amending section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 152, Laws of 1980 and RCW 59.20-.070; amending section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080; adding a new section to chapter 46.70 RCW; and adding new sections to chapter 59.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3178, by Senators Moore, Quigg, Talmadge and Gaspard:

AN ACT Relating to mobile homes; amending section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 4, chapter 125, Laws of 1977 ex. sess. and RCW 46.70.180; adding new sections to chapter 46.70 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3179, by Senators Moore and Gallagher:

AN ACT Relating to special purpose districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 23, Laws of 1979 and RCW 56.08.020; and amending section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 23, Laws of 1979 and RCW 57.16.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3180, by Senators Wojahn, Gallagher and Deccio:

AN ACT Relating to examinations of health care service contractors and health maintenance organizations; amending section 12, chapter 115, Laws of 1969 and RCW 48.44.145; and amending section 13, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.120.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3181, by Senators Wojahn, Deccio and Sellar:

AN ACT Relating to insurance; and amending section .03.06, chapter 79, Laws of 1947 as amended by section 1, chapter 35, Laws of 1979 ex. sess. and RCW 48.03.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3182, by Senators Wojahn, Deccio and Sellar:

AN ACT Relating to insurance; amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210; amending section 3, chapter 150, Laws of 1967 and RCW 48.05.215; amending section .17.34, chapter 79, Laws of 1947 and RCW 48.17.340; and amending section .32.17, chapter 79, Laws of 1947 as amended by section 22, chapter 195, Laws of 1963 and RCW 48.36.170.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3183, by Senators Talmadge, Hemstad, Wojahn and Sellar:

AN ACT Relating to proceedings after judgment; amending section 351, page 91, Laws of 1869 as last amended by section 355, Code of 1881 and RCW 6.04.100; amending section 24, chapter 133, Laws of 1893 as amended by section 2, chapter 93, Laws of 1899 and RCW 6.32.240; amending section 4, chapter 264, Laws of 1969 ex. sess. as amended by section 1, chapter 55, Laws of 1977 ex. sess. and RCW 7.33.040; amending section 11, chapter 264, Laws of 1969 ex. sess. and RCW 7.33-.110; amending section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 8, chapter 292, Laws of 1971 ex. sess. and RCW 7.33.130; amending section 28, chapter 264, Laws of 1969 ex. sess. as last amended by section 1, chapter 6, Laws of 1971 and RCW 7.33.280; and repealing section 23, chapter 133, Laws of 1893 and RCW 6.32.230.

Referred to Judiciary Committee.

SENATE BILL NO. 3184, by Senators Gould, Ridder and Kiskaddon:

AN ACT Relating to the family day care home registration pilot project; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3185, by Senators Moore, Talley, Rasmussen, Wojahn, Kiskaddon, Deccio, McCaslin, Goltz and Woody:

AN ACT Relating to DMSO (dimethyl sulfoxide); adding a new section to chapter 69.04 RCW; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3186, by Senators Gaspard, Conner and Rasmussen:

AN ACT Relating to railroads; and amending section 1, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.091.

Referred to Committee on Transportation.

SENATE BILL NO. 3187, by Senators Wilson, Zimmerman and Charnley:

AN ACT Relating to sheriffs' duties; amending section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 8, chapter 292, Laws of 1971 ex. sess. and RCW 7.33.130; amending section 36.18.040, chapter 4, Laws of 1963 as amended by section 1, chapter 94, Laws of 1975 1st ex. sess. and RCW 36.18.040; amending section 36.18.060, chapter 4, Laws of 1963 and RCW 36.18.060; and amending section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.040.

Referred to Committee on Local Government.

SENATE BILL NO. 3188, by Senators Talmadge, Hayner, Bottiger, Zimmerman and Woody:

AN ACT Relating to juveniles; amending section 3, chapter 160, Laws of 1913 as last amended by section 6, chapter 155, Laws of 1979 and RCW 13.04.040;

amending section 19, chapter 155, Laws of 1979 and RCW 13.32A.050; amending section 20, chapter 155, Laws of 1979 and RCW 13.32A.060; amending section 27, chapter 155, Laws of 1979 and RCW 13.32A.130; amending section 28, chapter 155, Laws of 1979 and RCW 13.32A.140; amending section 29, chapter 155, Laws of 1979 and RCW 13.32A.150; amending section 30, chapter 155, Laws of 1979 and RCW 13.32A.160; amending section 31, chapter 155, Laws of 1979 and RCW 13.32A.170; amending section 78, chapter 155, Laws of 1979 and RCW 74.13.032; amending section 79, chapter 155, Laws of 1979 and RCW 74.13.033; amending section 80, chapter 155, Laws of 1979 as amended by section 21, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.034; amending section 32, chapter 155, Laws of 1979 and RCW 13.32A.180; adding new sections to chapter 13.32A RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3189, by Senators Talmadge, Hayner, Bottiger and Woody:

AN ACT Relating to juveniles; amending section 51, chapter 155, Laws of 1979 and RCW 13.34.230; amending section 8, chapter 160, Laws of 1913 as last amended by section 44, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.160; amending section 1, chapter 188, Laws of 1955 as last amended by section 45, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.170; and adding new sections to chapter 13.34 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3190, by Senators Talmadge, Hayner, Bottiger, Lee and Woody:

AN ACT Relating to juveniles; amending section 2, chapter 160, Laws of 1913 as last amended by section 6, chapter 128, Laws of 1980 and RCW 13.04.030; amending section 56, chapter 291, Laws of 1977 ex. sess. as amended by section 54, chapter 155, Laws of 1979 and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. as amended by section 55, chapter 155, Laws of 1979 and RCW 13.40.030; amending section 60, chapter 291, Laws of 1977 ex. sess. as amended by section 59, chapter 155, Laws of 1979 and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. as amended by section 60, chapter 155, Laws of 1979 and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. as amended by section 61, chapter 155, Laws of 1979 and RCW 13.40.080; amending section 66, chapter 291, Laws of 1977 ex. sess. as amended by section 64, chapter 155, Laws of 1979 and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. as amended by section 65, chapter 155, Laws of 1979 and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. as amended by section 66, chapter 155, Laws of 1979 and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. as amended by section 67, chapter 155, Laws of 1979 and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. as amended by section 68, chapter 155, Laws of 1979 and RCW 13.40.160; amending section 72, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.180; amending section 77, chapter 291, Laws of 1977 ex. sess. as amended by section 72, chapter 155, Laws of 1979 and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. as amended by section 73, chapter 155, Laws of 1979 and RCW 13.40.300; amending section 3, chapter 240, Laws of 1977 ex. sess. as amended by section 15, chapter 186, Laws of 1980 and RCW 34.08.020; amending section 9, chapter 155, Laws of 1979 and RCW 13.50.050; and adding new sections to chapter 13.40 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3191, by Senators Talmadge, Hayner, Bottiger and Hughes:

AN ACT Relating to juvenile community service workers; amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; and adding a new section to chapter 51.12 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3192, by Senator Pullen:

AN ACT Relating to civil commitment; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.120; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150; amending section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; creating a new section; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3193, by Senators Ridder, Jones, Bauer, Bluechel, Wojahn and Zimmerman:

AN ACT Relating to health care facility projects' sales and use tax deferrals; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3194, by Senators Vognild, Deccio and Talmadge:

AN ACT Relating to medical devices and equipment; creating new sections; adding a new section to chapter 19.28 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3195, by Senators Goltz, Sellar and Wojahn:

AN ACT Relating to congregate care; and adding a new section to chapter 74.08 RCW.

Referred to Committee on Social and Health Services.

SENATE JOINT MEMORIAL NO. 101, by Senators Conner, Lee, Bauer, Hughes and Woody:

Petitioning the federal government to restrict the release of election results until all polls have been closed.

Referred to Committee on Constitutions and Elections.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

President Pro Tempore Goltz announced the following appointments to the Washington Sunset Review Committee: Senator Vognild will replace former Senator Day; Senator Metcalf will replace former Senator Wanamaker; Senator Gaspard was appointed Chairman of the committee.

MOTION

On motion of Senator Bottiger, the appointments were confirmed.

MOTION

At 9:24 a.m., on motion of Senator Bottiger, the Senate recessed until 10:10 a.m.

SECOND MORNING SESSION

President Pro Tempore Goltz called the Senate to order at 10:10 a.m. There being no objection, the Senate advanced to the eighth order of business.

MOTION

Senator Bottiger moved adoption of the following resolution:

SENATE RESOLUTION 1981—5

By Senators Bottiger, Fleming, Shinpoch, Ridder, Wilson and Wojahn:
BE IT RESOLVED, That the Rules of the Senate for the 47th Legislature are to read as follows:

INDEX

SECTION I – OFFICERS—MEMBERS—EMPLOYEES

Rule 1	Duties of the President
Rule 2	President Pro Tem
Rule 3	Secretary of the Senate
Rule 4	Sergeant at Arms
Rule 5	Subordinate Officers
Rule 6	Employees
Rule 7	Conduct of Members and Officers

SECTION II – OPERATIONS AND MANAGEMENT

Rule 8	Payment of Expenses – Facilities and Operations
Rule 9	Use of Senate Chambers
Rule 10	Admission to the Senate
Rule 11	Printing of Bills
Rule 12	Furnishing Full File of Bills
Rule 13	Regulation of Lobbyists

SECTION III – RULES AND ORDER

Rule 14	Time of Convening
Rule 15	Quorum
Rule 16	Order of Business
Rule 17	Special Order
Rule 18	Unfinished Business
Rule 19	Motions and Senate Floor Resolutions (How Presented)
Rule 20	Precedence of Motions
Rule 21	Voting
Rule 22	Announcement of Vote
Rule 23	Call of the Senate
Rule 24	One Subject in a Bill
Rule 25	No Amendment by Mere Reference to Title of Act
Rule 26	Reading of Papers
Rule 27	Comparing Enrolled and Engrossed Bills

SECTION IV – PARLIAMENTARY PROCEDURE

Rule 28	Rules of Debate
Rule 29	Opening and Closing Debate
Rule 30	Recognition by the President
Rule 31	Call for Division of a Question
Rule 32	Point of Order – Decision Appealable
Rule 33	Question of Privilege
Rule 34	Protests
Rule 35	Suspension of Rules
Rule 36	Previous Question
Rule 37	Reconsideration
Rule 38	Question of Consideration
Rule 39	Motion to Adjourn
Rule 40	Yeas and Nays – When Must be Taken
Rule 41	Reed's Parliamentary Rules
Rule 42	Rules to Apply for Biennium

SECTION V – COMMITTEES

Rule 43	Committees – Appointment and Confirmation
Rule 44	Subcommittees
Rule 45	Subpoena Power
Rule 46	Duties of Committees
Rule 47	Committee Rules
Rule 48	Committee Meetings During Sessions
Rule 49	Reading of Reports
Rule 50	Recalling Bills from Committees
Rule 51	Bills Referred to Rules Committee
Rule 52	Rules Committee
Rule 53	Suspend Rules for Committee of the Whole
Rule 54	Formation of the Committee of the Whole
Rule 55	Rules in the Committee of the Whole
Rule 56	Report of Committee of the Whole
Rule 57	Messages Received While Committee of the Whole Sits
Rule 58	Appropriation Budget Bills
Rule 59	Definitions
Rule 60	Pre-Filing
Rule 61	Introduction of Bills
Rule 62	Amendatory Bills
Rule 63	Joint Resolutions and Memorials
Rule 64	Senate Concurrent Resolutions
Rule 65	Committee Bills
Rule 66	Committee Reference
Rule 67	Reading of Bills
Rule 68	First Reading
Rule 69	Second Reading/Amendments
Rule 70	Third Reading
Rule 71	Scope and Object of Bill Not to be Changed
Rule 72	House Amendments to Senate Bills
Rule 73	Bills Committed for Special Amendment
Rule 74	Confirmation of Gubernatorial Appointees

FORTY-SEVENTH LEGISLATURE

1981

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, ((~~attaches~~) employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: **PROVIDED, HOWEVER,** That the appointment of the said conference, special, ((~~and~~)) joint and standing committees shall be confirmed by the senate. In the event the senate shall refuse to confirm any such conference, special, ((~~or~~)) joint or standing committee or committees, such committee or committees shall be forthwith elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, ((~~agreeable to the preceding rule,~~)) and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tem

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tem who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tem who will serve in the absence of the lieutenant governor and the president pro tem. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tem, and vice president pro tem, or with their consent, ~~((he))~~ the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint an assistant secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session ~~((year))~~; or twenty days prior to any ~~((extraordinary))~~ special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

3. It is the policy of the senate that no persons except as provided herein shall be admitted to the floor and adjacent areas of the senate when the senate is convened.

4. The sergeant at arms shall not admit to the floor and adjacent areas of the senate while convened, or one-half hour ~~((before))~~ prior to convening and one-half hour after adjournment, any person other than a member of the senate, except:

The governor.

Members of the house of representatives.

State ~~((elective))~~ elected officers.

Former members of the senate and state chairmen of the two major political parties.

Officers and authorized employees of the ~~((senate))~~ legislature.

Representatives of the press or other persons designated by name and holding cards of admission ~~((authorized by the rules committee and))~~ signed by the president: PROVIDED, That these courtesies shall be rescinded if the privilege is used for the purpose of lobbying when the senate is convened.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under

no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for ~~((his))~~ services rendered in connection with ~~((his))~~ legislative employment other than ~~((his))~~ legislative salary. A legislative employee shall not accept any employment, in addition to ~~((his))~~ legislative employment, which would impair ~~((his))~~ independence of judgment. Except within the scope of ~~((his))~~ employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to use his/her official position to (a) obtain any privilege, exemption, special treatment or any other thing of value ~~((for))~~ ~~((himself))~~, or (b) obtain any such benefit for others except as required to perform duties within the scope of ~~((his))~~ senate employment.

4. A legislative employee shall not accept or solicit anything of value for himself/herself or for others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action ~~((on his part))~~.

5. A legislative employee shall not disclose confidential information acquired by reason of ~~((his official position))~~ senate employment official position to any person or group not entitled to receive such information, nor shall ~~((he use))~~ such information be used for personal gain or to benefit ~~((of himself or))~~ others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee.

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to which shall be taken down or noted at the secretary's desk(;;). ~~((and))~~ No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted. (See also Art. 2, Sec. 9, State Constitution.)

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call ~~((him))~~ that senator to order, and ~~((when))~~ a senator ~~((shall be))~~ so called to order shall resume his/her seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion

"that he/she be allowed to proceed in order," when, if carried, he/she shall confine themselves to the question under consideration.

4. No senator shall (~~(absent himself)~~) be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall (~~(absent himself his)~~) be absent his or her per diem shall not be allowed or paid, and no senator, officer, or (~~(attache)~~) employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses – Facilities and Operations

Rule 8. 1. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president or secretary of the senate, in writing, or when personally accompanied by a senator.

It is the policy of the senate that no persons except as provided herein shall be admitted to the floor and adjacent areas of the senate when the senate is convened.

The sergeant at arms and doorkeepers shall not admit to the floor and adjacent areas of the senate while convened, or one-half hour (~~(before)~~) prior to convening and one-half hour after adjournment, any person other than a member of the senate, except:

The governor.

Members of the house of representatives.

State (~~(elective)~~) elected officers.

Former members of the senate and state chairmen of the two major political parties.

Officers and authorized employees of the senate.

Representatives of the press (~~(or other persons)~~) designated by name and holding cards of admission authorized by the rules committee and signed by the president: PROVIDED, That these courtesies shall be rescinded if the privilege is used for the purpose of lobbying when the senate is convened.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules: PROVIDED, HOWEVER, That the secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

Regulation of Lobbyists

Rule 13. Any persons lobbying on legislation before the senate must register as a lobbyist under the provisions of chapter 42.17 RCW and shall be subject to the rules of the senate.

Any lobbyist not fully complying with the provisions of this rule is subject to having all lobbying privileges cancelled by the senate committee on rules.

SECTION III

RULES AND ORDER

~~((Daily Convening))~~ Time of Convening

Rule 14. The president shall call the senate to order each day of sitting at 11 o'clock a.m., unless the senate shall have adjourned to some other hour.

Quorum

Rule 15. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business: PROVIDED, That less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 16. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials, resolutions and motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present. (See also Rule 53.)

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 17. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

Unfinished Business

Rule 18. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Motions and Senate Floor Resolutions (How Presented)

Rule 19. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the ~~((fiftieth day of the session))~~ tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

Precedence of Motions

Rule 20. When a motion has been made ~~((and seconded))~~ and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

- Adjourn or recess
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

INCIDENTAL MOTIONS

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

SUBSIDIARY MOTIONS

- 1st Rank: Question of Consideration
 2nd Rank: To lay on the table
 3rd Rank: For the previous question
 4th Rank: To postpone to a day certain
 To commit or recommit
 To postpone indefinitely
 5th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

Voting

Rule 21. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Sec. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21. State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 23.)

4. A senator having been absent during roll call may ask to have his or her name called: **PROVIDED**, That (~~(he makes such request)~~) such a request is made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

6. The order of names on the roll call shall be determined by the committee on rules.

7. No floor vote may be taken on any free conference committee report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the senate.

8. On any vote in a standing committee one-sixth of the members of such committee may demand that the vote be recorded and filed with the secretary of the senate, who shall preserve such record for a period of four years.

Announcement of Vote

Rule 22. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 23. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 24. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 25. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 26. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution: PROVIDED, HOWEVER, That this shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 27. Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

SECTION IV

PARLIAMENTARY PROCEDURE

Rules of Debate

Rule 28. 1. When any senator is about to speak in debate, or submit any matter to the senate, he/she shall rise from his/her seat, and standing in place, respectfully address himself/herself to "Mr. President," and when recognized shall, in a courteous manner, confine himself/herself to the question under debate, avoiding personalities, and when finished shall resume his/her seat. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question.

Opening and Closing Debate

Rule 29. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order – Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but he/she shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries: PROVIDED, That the president upon notice received may acknowledge the presence of any distinguished person or persons.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question and have such protest entered upon the journal: PROVIDED, That such protest does not exceed 200 words. The senator protesting shall file his protest with the secretary of the senate within 48 hours following the action protested.

Suspension of Rules

Rule 35. 1. No standing rule or order of (~~this~~) the senate shall be rescinded or changed without a majority vote of the members, and (~~one~~) five days' notice of the motion thereof: PROVIDED, That adoption of permanent rules may be by simple majority without notice, and a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly.

2. Motion for suspension of the rules shall not be debatable, except, however, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any resolution or bill, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the ~~((fiftieth day of any))~~ tenth day prior to adjournment sine die of any regular session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Question of Consideration

Rule 38. When the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read. The question of consideration shall be carried by a majority vote of the senators present: PROVIDED, HOWEVER, That the rule may be suspended by the majority of those senators present.

Motion to Adjourn

Rule 39. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 40. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rule 21.)

Reed's Parliamentary Rules

Rule 41. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

Rules to Apply for Biennium

Rule 42. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently called during the same legislative biennium.

**SECTION V
COMMITTEES**

Committees—Appointment and Confirmation

Rule 43. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: **PROVIDED, HOWEVER,** That the appointment of the said conference, special, ~~((and))~~ joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any such conference, special, ~~((or))~~ joint or standing committee or committees, such committee or committees shall be forthwith elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	6
2. Commerce and Labor	7
3. Constitutions and Elections	7
4. Education	7
5. Energy and Utilities	13
6. Financial Institutions and Insurance	7
7. Higher Education	7
8. Judiciary	11
9. Local Government	9
10. Natural Resources	12
11. Parks and Ecology	13
12. Rules	15
13. Social and Health Services	7
14. State Government	7
15. Transportation	15
16. Ways and Means	21

Subcommittees

Rule 44. Committee chairpersons may create subcommittees of the standing committee and designate subcommittee chairpersons thereof to study subjects within the jurisdiction of the standing committee. The committee chairperson shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 45. Any of the above referenced committees, including subcommittees thereof, or any special committees created ~~((herein))~~ by the senate, shall have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW, ~~((as))~~ if and when specifically authorized by the committee on rules,

for specific purposes and for specific subjects in accordance with the authorization of the committee on rules.

Duties of Committees

Rule 46. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

Committee ((Reports)) Rules

Rule 47. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing: **PROVIDED**, That by a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any ((standing)) committee of the senate shall be open to the public: **PROVIDED, HOWEVER**, That in case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and/or may order the meeting closed to any person or persons creating such disturbance.

3. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee: **PROVIDED**, That in the case of a tie vote in a standing committee a bill may carry a recommendation consistent with the vote of the committee chairperson:

- a. Do pass.
- b. Do pass as amended.
- c. Without recommendation.
- d. Do not pass.
- e. That the bill be referred to another committee.
- f. That a substitute bill be substituted therefor, and the substitute bill do pass.
- g. That the bill be indefinitely postponed.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee.

6. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation ((and)) which shall be signed by those members of the committee subscribing thereto.

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

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

8. No vote in any (~~(standing)~~) committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

9. (~~(Prior to the 50th day)~~) All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 48. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during (~~(the regular daily)~~) any scheduled caucus.

Reading of Reports

Rule 49. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 50. Any standing committee of the senate may be relieved of further consideration of any bill by a (~~(majority)~~) two-thirds vote of the members of the senate. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 51. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rule 69.)

Rules Committee

Rule 52. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Suspend Rules for Committee of the Whole

Rule 53. The senate may at any time, by the vote of the majority of the members present, suspend the rules and orders of the senate for the purpose of going into the committee of the whole for the consideration of any bill, memorial or resolution before the senate.

Formation of the Committee of the Whole

Rule 54. In forming the committee of the whole, the president shall name a chairperson to preside, and all bills considered shall be read by sections and the chairperson shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action.

Rules in the Committee of the Whole

Rule 55. The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered, nor the yeas and nays demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting.

Report of Committee of the Whole

Rule 56. A motion that the committee of the whole rise shall always be in order, and shall be decided without debate.

Messages Received While Committee of the Whole Sits

Rule 57. Messages may be received by the president while the committee of the whole is sitting; in which case the president shall resume the chair, receive the message, and vacate the chair, in favor of the chairman of the committee.

Appropriation Budget Bills

Rule 58. (~~Bills appropriating money~~) Omnibus appropriation bills shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.

No amendment to the (~~general appropriation bill, commonly known as the budget~~) omnibus appropriations bill, commonly known as the budget or supplemental budget, adding any new item, or items, thereto not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of two-thirds of the senators elected.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 59. "Measure" means a bill, joint memorial, or joint resolution.
"Bill" when used alone means bill, joint memorial, or joint resolution.

Pre-Filing

Rule 60. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any (~~extraordinary~~) special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day: PROVIDED, HOWEVER, That no bill,

joint memorial or joint resolution shall be (~~(filed)~~) prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 61. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: **PROVIDED, HOWEVER,** That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by (~~(three o'clock in the afternoon)~~) noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced: **PROVIDED FURTHER,** That all bills to be considered by the senate during (~~(the)~~) a sixty day regular session shall be on the request list of the code reviser by 3:00 p.m. on the twenty-ninth day, or on the thirtieth day during a one hundred five day regular session, and shall be read in under the proper order of business no later than the thirty-third legislative day of a sixty day regular session, or on the thirty-sixth day of a one hundred five day regular session.

(~~(After the fortieth day of the session)~~) After the expiration of deadlines for bill introductions provided in this rule, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: PROVIDED, That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 62. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

Joint Resolutions and Memorials

Rule 63. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 64. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call: **PROVIDED, HOWEVER,** That concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal.

Committee Bills

Rule 65. Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 66. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: The committee of the whole senate.

SECOND: A standing committee.

THIRD: A select committee.

Reading of Bills

Rule 67. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: PROVIDED, HOWEVER, That on and after the ((49th day of every)) tenth day preceding adjournment sine die of any regular session this rule may be suspended by a majority vote only for omnibus appropriations bills.

First Reading

Rule 68. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate standing committee.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 52.)

A bill shall be reported back by the committee chairperson upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 47, Sub. 4.

No committee chairperson shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 69. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 70. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 71. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

House Amendments to Senate Bills

Rule 72. A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to appropriate committee and shall take the same course as for original bills. (See also Rule 72.)

Bills Committed for Special Amendment

Rule 73. A bill may be committed with special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 74. When the names of appointees to state offices are transmitted (~~to the senate~~) to the Secretary of the Senate for senate confirmation, the communication from the governor shall be (~~read in full and entered upon the journal~~) recorded and referred to the appropriate standing committee unless, prior to the referral of an appointment or appointments to the appropriate committees, a message is received from the governor requesting the return of the appointment or appointments, in which instances the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members of the senate.

(~~The president of the senate shall, after the reading, refer the names of such appointees to the appropriate standing committees of the senate~~).

The standing committee shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee shall hold a public hearing on the appointment. The appointee shall appear before the committee unless the required appearance is waived by a two-thirds vote of the committee members. The appointee shall be required to testify under oath. The chairperson of the standing committee or the presiding member shall administer the oath in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal: PROVIDED, That in the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members of the senate. (Article 13 of the State Constitution.)

POINT OF ORDER

Senator Clarke: "Mr. President, I might explain in advance, just from a parliamentary standpoint what this particular amendment is, and ask the ruling of the chair and also the consent of the Senate as a matter of procedure.

"The amendment which is being prepared and which will be distributed is, in substance, a striking amendment which would simply adopt the rules under which the Senate operated in previous sessions, in their entirety. And I won't argue at this time; when that amendment is up, the reasons for that will be argued; but in the event that motion should be lost, then we do have some perfecting amendments which we would like to offer to the main amendment as moved by Senator Bottiger.

"Now we are well aware of the fact that in ordinary parliamentary procedure, perfecting amendments should take precedence over striking amendments. But actually in this particular instance, it makes much more sense to determine first the basic question as to whether the body wishes to continue under the previous rules which have been debated and which everybody knows about, or whether in substance, they wish to endeavor to make corrections in those rules along the lines that have been outlined by Senator Talmadge. Now if those corrections are to be made and if the body does decide that it wants to engage in that procedure rather than to adopt the old rules, we would like to have it made clear that we reserve the right also, to present subsequently to the striking amendment, perfecting amendments to Senator Bottiger and Senator Talmadge's motion. And I would request a ruling from the chair or the consensus of the Senate that we permit it to proceed in that order, because I think it is the expeditious way for us to settle the argument that we have."

RULING BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "Senator Clarke, the chair recognizes that the perfecting amendments do have precedence over striking amendments, but in the absence of other rules, I believe it is more a matter of consensus of this body as to how to proceed rather than a ruling of the chair; and therefore the chair will punt and ask the body to make that decision."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I have the world record punt returner on the floor but I will take this one myself. We will agree, Senator Clarke, that the course of order should be, to first decide whether we want to consider the rewrite, and assent to, then, the vote on the old rules."

REMARKS BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "At this point, a motion would be in order to consider the striking motion that was called to our attention. It has not yet been offered and whether or not you would want to have that material printed before we proceed, . . ."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I think it is necessary, it is in our little red book that we have, so everybody has operated and knows what the old rules were, so I think we would accept the motion without the delay."

Senator Hayner moved adoption of the following amendment by Senators Hayner, Jones and Clarke to Senate Resolution 1981—5:

On page 1, after "47th Legislature are to read as follows:" strike the remainder of the material through page 34 and insert the following:

SENATE RULE NO.

- Rule 1** Duties of the president.
- Rule 2** Committees—Appointment and confirmation.
- Rule 3** Election by roll call.
- Rule 4** Secretary, sergeant at arms, employees.
- Rule 5** Subordinate officers.
- Rule 6** Restriction of employment.
- Rule 7** President pro tem.
- Rule 8** Payment of expenses.
- Rule 9** Daily convening time.
- Rule 10** Quorum.
- Rule 11** Call of the senate.
- Rule 12** Order of business.
- Rule 13** Business to be announced.
- Rule 14** Special order.
- Rule 15** Unfinished business.
- Rule 16** Rules of debate.
- Rule 17** Motions—How presented.
- Rule 18** Recognition by the president.
- Rule 19** Priority of business.
- Rule 20** Messages.
- Rule 21** Precedence of motions.
- Rule 22** Opening and closing debate.
- Rule 23** Call for division of a question.
- Rule 24** Point of order—Decision appealable.
- Rule 25** Question of privilege.
- Rule 26** Protests.
- Rule 27** Reading of papers.
- Rule 28** Suspension of Rules.
- Rule 29** Suspension of rules—Debate.
- Rule 30** Previous question.
- Rule 31** Reconsideration, how taken.
- Rule 32** Yeas and nays—When must be taken.
- Rule 33** Tie vote.
- Rule 34** Announcement of vote.
- Rule 35** Motion to adjourn.
- Rule 36** Decorum.
- Rule 37** Breach of decorum.
- Rule 38** Transgression of rules.
- Rule 39** Absence of senator without leave.
- Rule 40** Use of senate chambers.
- Rule 41** Admission to the senate.
- Rule 42** Duties of committees.
- Rule 43** Committee reports.
- Rule 44** Committee reference.

- Rule 45** Comparing enrolled and engrossed bills.
- Rule 46** Rules in the committee of the whole.
- Rule 47** Suspend rules for committee of the whole.
- Rule 48** Formation of the committee of the whole.
- Rule 49** Report of committee of the whole.
- Rule 50** Messages received while committee of the whole sits.
- Rule 51** Joint resolutions and memorials.
- Rule 52** Senate concurrent resolutions.
- Rule 53** Introduction of bills.
- Rule 54** One subject in a bill.
- Rule 55** Amendatory bills.
- Rule 56** Reading of bills.
- Rule 57** Scope and object of bill not to be changed.
- Rule 58** No amendment by mere reference to title of act.
- Rule 59** Bills committed for special amendment.
- Rule 60** Appropriation bills budget.
- Rule 61** Printing of bills.
- Rule 62** Furnishing full file of bills.
- Rule 63** Question of consideration.
- Rule 64** Names on roll call.
- Rule 65** Confirmation of gubernatorial appointees.
- Rule 66** Regulation of lobbyists.
- Rule 67** Vote on free conference committee report.
- Rule 68** Vote record of standing committees.
- Rule 69** Reed's parliamentary rules.
- Rule 70** Employee guidelines.
- Rule 71** Rules to apply for biennium.

Duties of the President

Rule 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate. He shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. In the absence of the president pro tem, he shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

He shall have charge of and see that all officers, attaches, and clerks perform their respective duties, and he shall have general control of the senate chamber and lobby.

Committees—Appointment and Confirmation

Rule 2. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: PROVIDED, HOWEVER, That the appointment of the said conference, special, and joint committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any such conference, special or joint committee or committees, such committee or committees shall be forthwith elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	6
2. Commerce	6
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12. Natural Resources	11
13. Parks and Recreation	7
14. Rules	14
15. Social and Health Services	8
16. State Government	7
17. Transportation	12
18. Ways and Means	20

Any of the above referenced committees, or any special committees created herein, shall have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW, as authorized by the committee on rules, for specific purposes and for specific subjects in accordance with the authorization of the committee on rules.

Election by Roll Call

Rule 3. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced. (See also Art. 2, Sec. 30, State Constitution.)

A senator having been absent during roll call may ask to have his name called: PROVIDED, He makes such request before the result of the roll call has been announced by the president.

Secretary, Sergeant at Arms, Employees

Rule 4. The senate shall elect a secretary, and a sergeant at arms, who shall perform the usual duties pertaining to their offices, and they shall hold office until their successor has been elected. The secretary shall appoint, subject to the approval of the senate, all other senate employees; and the hours of duty and assignments of all senate employees shall be under his directions and instructions, and they may be dismissed by him at his discretion. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session year; or twenty days prior to any extraordinary session of the legislature.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services.

Restriction of Employment

Rule 6. No senate employee shall lobby in favor of or against any matter under consideration.

President Pro Tem

Rule 7. Upon the organization of the senate the members shall elect one of their number as president pro tem, who shall have all the powers and authority, and who shall discharge all the duties of the lieutenant governor, acting as president during the lieutenant governor's absence. The Senate shall also elect a vice president pro tem who will serve in the absence of the lieutenant governor and president pro tem.

Payment of Expenses

Rule 8. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate, authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(1) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(2) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Daily Convening Time

Rule 9. The president shall call the senate to order each day of sitting at 11 o'clock a.m., unless the senate shall have adjourned to some other hour.

Quorum

Rule 10. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business: PROVIDED, That less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Call of the Senate

Rule 11. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

Order of Business

Rule 12. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials, resolutions and motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present. (See also Rule 42, Paragraph 4.)

Business to be Announced

Rule 13. The president shall, on each day, announce to the senate the business in order, agreeable to the preceding rule, and no business shall be taken up or considered, until the order to which it belongs shall be declared.

Special Order

Rule 14. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

Unfinished Business

Rule 15. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Rules of Debate

Rule 16. When any senator is about to speak in debate, or submit any matter to the senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question.

Motions—How Presented

Rule 17. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

SENATE RESOLUTIONS

Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the fiftieth day of the session, senate floor resolutions automatically shall be referred to the committee on rules.

Recognition by the President

Rule 18. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Priority of Business

Rule 19. All questions relating to the priority of business shall be decided without debate.

Messages

Rule 20. Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Precedence of Motions

Rule 21. When a motion has been made and seconded and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

- Adjourn or recess
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

INCIDENTAL MOTIONS

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

SUBSIDIARY MOTIONS

- 1st Rank: Question of Consideration
- 2nd Rank: To lay on the table
- 3rd Rank: For the previous question
- 4th Rank: To postpone to a day certain
- To commit or recommit
- To postpone indefinitely
- 5th Rank: To amend

No motion to postpone to a day certain, to commit, to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

Opening and Closing Debate

Rule 22. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

Call for Division of a Question

Rule 23. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order—Decision Appealable

Rule 24. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 25. Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries: PROVIDED, The president upon notice received may acknowledge the presence of any distinguished person or persons.

Protests

Rule 26. Any senator or senators may protest against the action of the senate upon any question and have such protest entered upon the journal: PROVIDED, That such protest does not exceed 200 words. The senator protesting shall file his protest with the secretary of the senate within 48 hours following the action protested.

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies or reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution: PROVIDED, HOWEVER, That this shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Suspension of Rules

Rule 28. No standing rule or order of this senate shall be rescinded or changed without a majority vote of the members, and one days' notice of the motion thereof: PROVIDED, Adoption of permanent rules may be by simple majority without notice, and a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule

is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly.

Suspension of Rules—Debate

Rule 29. Motion for suspension of the rules shall not be debatable, except, however, the mover of the motion may briefly explain the purpose of his motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 30. The previous question shall not be put unless demanded by three senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration, How Taken

Rule 31. After the final vote on any resolution or bill, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the fiftieth day of any session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Yeas and Nays—When Must Be Taken

Rule 32. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rule 11.)

Tie Vote

Rule 33. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 22, State Constitution.)

Announcement of Vote

Rule 34. The announcement of all votes shall be made by the president.

Motion to Adjourn

Rule 35. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Decorum

Rule 36. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

Breach of Decorum

Rule 37. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

Transgression of Rules

Rule 38. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when, if carried, he shall confine himself to the question under consideration.

Absence of Senator Without Leave

Rule 39. No senator shall absent himself from the senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

Use of Senate Chambers

Rule 40. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by facilities and operations committee when not in session.

Admission to the Senate

Rule 41. The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not convened any person other than requested by a senator, the president or secretary of the senate, in writing, or when personally accompanied by a senator.

The sergeant at arms and doorkeepers shall not admit to the floor of the senate while convened, or one-half hour before convening and one-half hour after adjournment, any person other than a member of the senate, except:

The governor.

Members of the house of representatives.

State elective officers.

Former members of the senate and state chairmen of the two major political parties.

Officers and authorized employees of the senate.

Representatives of the press or other persons designated by name and holding cards of admission authorized by the rules committee and signed by the president: PROVIDED, That these courtesies shall be rescinded if the privilege is used for the purpose of lobbying when the senate is convened.

Duties of Committees

Rule 42. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

DEFINITIONS

"Measure" means a bill, joint memorial, or joint resolution.

"Bill" when used alone means bill, joint memorial, or joint resolution.

RULES COMMITTEE DAILY CALENDAR

The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

RECALLING BILLS FROM COMMITTEES

Any standing committee of the senate may be relieved of further consideration of any bill by a majority vote of the members of the senate. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

NOTICE

At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing: PROVIDED, That by a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

COMMITTEE MEETINGS DURING SESSIONS

No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during the regular daily scheduled caucus.

VOTING IN COMMITTEES

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

OPEN MEETINGS OF STANDING COMMITTEES

During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the senate shall be open to the public: PROVIDED, HOWEVER, That in case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and/or may order the meeting closed to any person or persons creating such disturbance.

QUORUM REQUIRED

Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing. A majority of any committee shall constitute a quorum.

Committee Reports

Rule 43. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, and shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee:

1. Do pass.
2. Do pass as amended.
3. Without recommendation.
4. Do not pass.
5. That the bill be referred to another committee.
6. That a substitute bill be substituted therefor, and the substitute bill do pass.
7. That the bill be indefinitely postponed.

MAJORITY REPORTS

A majority report of a committee must carry the signatures of a majority of the members of the committee.

MINORITY REPORTS

Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation and shall be signed by those members of the committee subscribing thereto.

FILING COMMITTEE REPORTS

Prior to the 50th day all reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

READING OF REPORTS

The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

BILLS REFERRED TO RULES COMMITTEE

All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rule 56, Paragraph 4.)

SUBSTITUTE BILLS

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

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

Committee Reference

Rule 44. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: The committee of the whole senate.

SECOND: A standing committee.

THIRD: A select committee.

Comparing Enrolled and Engrossed Bills

Rule 45. Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

Rules in the Committee of the Whole

Rule 46. The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered, nor the yeas and nays demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting.

Suspend Rules for Committee of the Whole

Rule 47. The senate may at any time, by the vote of the majority of the members present, suspend the rules and orders of the senate for the purpose of going into the committee of the whole for the consideration of any bill, memorial or resolution before the senate.

Formation of the Committee of the Whole

Rule 48. In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action.

Report of Committee of the Whole

Rule 49. A motion that the committee of the whole rise shall always be in order, and shall be decided without debate. (See also Senate Rule 60.)

Messages Received While Committee of the Whole Sits

Rule 50. Messages may be received by the president while the committee of the whole is sitting; in which case the president shall resume the chair, receive the message, and vacate the chair, in favor of the chairman of the committee.

Joint Resolutions and Memorials

Rule 51. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 52. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call: PROVIDED, HOWEVER, That concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal.

Introduction of Bills

Rule 53. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: PROVIDED, HOWEVER, That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by three o'clock in the afternoon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced: PROVIDED FURTHER, That all bills to be considered by the senate during the regular session shall be on the request list of the code reviser by 5:00 p.m. on the twenty-ninth day and shall be read in under the proper order of business no later than the thirty-third legislative day.

After the fortieth day of the session no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: PROVIDED, That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills.

Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any extraordinary session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day: PROVIDED, HOWEVER, That no bill, joint memorial or joint resolution shall be filed by title and/or preamble only. (See also Rule 4.)

One Subject in a Bill

Rule 54. No bill shall embrace more than one subject, and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

Amendatory Bills

Rule 55. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper

case type and such designation shall be underlined. New enactments need not be underlined.

Reading of Bills

Rule 56. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: PROVIDED, HOWEVER, That after the 49th day of every regular session this rule may be suspended by a majority vote.

The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate standing committee.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 43, Sec. 6.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 43.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

COMMITTEE BILLS

Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

SECOND READING

Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

AMENDMENTS

No amendment shall be considered by the senate until it shall have been sent to the desk in writing and read by the secretary, and all amendments on the desk shall be read.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

THIRD READING

Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate. (See also Rule 3.)

Scope and Object of Bill Not to be Changed

Rule 57. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

HOUSE AMENDMENTS TO SENATE BILLS

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to appropriate committee and shall take the same course as for original bills.

No Amendment by Mere Reference to Title of Act

Rule 58. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Bills Committed for Special Amendment

Rule 59. A bill may be committed with special instructions to amend at any time before taking the final vote.

Appropriation Bills Budget

Rule 60. Bills appropriating money shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.

No amendment to the general appropriation bill, commonly known as the budget, adding any new item, or items, thereto not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of two-thirds of the senators elected.

Printing of Bills

Rule 61. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 62. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules: PROVIDED, HOWEVER, That the secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

Question of Consideration

Rule 63. When the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read. The question of consideration shall be carried by a majority vote of the senators present: PROVIDED, HOWEVER, That the rule may be suspended by the majority of those senators present.

Names on Roll Call

Rule 64. The order of names on the roll call shall be determined by the committee on rules.

Confirmation of Gubernatorial Appointees

Rule 65. When the names of appointees to state offices are transmitted to the senate for confirmation, the communication from the governor shall be read in full and entered upon the journal.

The president of the senate shall, after the reading, refer the names of such appointees to the appropriate standing committees of the senate.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. (Article XIII State Constitution.)

Regulation of Lobbyists

Rule 66. Any persons lobbying on legislation before the senate must register as a lobbyist under the provisions of chapter 42.17 RCW and shall be subject to the rules of the senate.

Any lobbyist not fully complying with the provisions of this rule is subject to having all lobbying privileges cancelled by the senate committee on rules.

Vote on Free Conference Committee Report

Rule 67. No floor vote may be taken on any free conference committee report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the senate.

Vote Record of Standing Committees

Rule 68. On any vote in a standing committee one-sixth of the members of such committee may demand that the vote be recorded and filed with the secretary of the senate, who shall preserve such record for a period of four years.

Reed's Parliamentary Rules

Rule 69. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

Employee Guidelines

Rule 70. A legislative employee shall not accept any gratuity or compensation for his services rendered in connection with his legislative employment other than his legislative salary. A legislative employee shall not accept any employment, in addition to his legislative employment, which would impair his independence of judgment. Except within the scope of his employment, a legislative employee shall not provide any service to a lobbyist or any other person.

A legislative employee shall not use or attempt to use his official position to (1) obtain any privilege, exemption, special treatment or any other thing of value for himself, or (2) obtain any such benefit for others except as required to perform duties within the scope of his employment.

A legislative employee shall not accept or solicit anything of value for himself or for others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action on his part.

A legislative employee shall not disclose confidential information acquired by reason of his official position to any person or group not entitled to receive such information, nor shall he use such information for the personal gain or benefit of himself or others.

A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee.

Rules to Apply for Biennium

Rule 71. The permanent senate rules adopted at the regular session shall govern any session called during the same legislative biennium.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the amendment to Senate Resolution 1981—5 by Senators Hayner, Jones and Clarke.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

MOTIONS

Senator Pullen moved adoption of the following amendment:

On page 13, line 264, after "statement" and before "in" delete "not to exceed fifty words"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

On motion of Senator Pullen, the following amendment was adopted on a rising vote:

On page 20, Rule 42, line 412, after "subsequently" strike "called" and insert "convened"

Senator Pullen moved adoption of the following amendment:

On page 19, Rule 37, lines 383 and 384, delete underlined language and replace with "ninety-fifth day of an odd year regular session or the fiftieth day of an even regular"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, as I understand in the intent, your language as you indicate, does occur in more than one location in the rules, that the tenth day prior to adjournment sine die of any regular session, would, indeed, mean the ninth-fifth day of an odd-year session or the fiftieth day of an even-year session unless we agree to adjourn prior to that and the people would know when the earlier adjournment would be so that we can determine what the tenth day prior is."

Senator Talmadge: "I think that is it, Senator, although I think sine die means the one hundred and fifth day. Not being a constitutional expert on this, I am not absolutely certain, but our concern was that we have a consistent time period throughout, and the regular one-hundred-and-five-day session and a regular sixty-day session, there is no doubt that it would be the ninety-fifth day and the fiftieth day as you have indicated. So in this particular session, unless something contrary to what we expect will happen, we have then until the ninety-fifth day of this session under the rules as it is stated in order to reconsider a motion . . .".

Senator Pullen: ". . . assume we go one hundred and five days, that is it, and that is the consistent language throughout the rules. Mr. President, if there is no objection, I would like to withdraw my amendment."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Well, I simply would like to make the comment, and I have no objection to it being withdrawn, I agree with Senator Talmadge that I think the point would never rise but I do think that the body has a right to adjourn sine die at any time that it so desires. I just do not want that concept to be that we are forced to stay the constitutional limit if we do not desire to."

REMARKS BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "I believe that Senator Clarke's remarks are well taken. I would like to announce that we will proceed through all the amendments which have been offered by Senator Pullen and then go to the next group, if that is all right with the body."

There being no objection, the amendment by Senator Pullen to page 19 was withdrawn.

Senator Pullen moved adoption of the following amendments:

On page 23, Rule 47, line 466, after "committee" insert "or subcommittee" and on page 23, Rule 47, line 477, strike "standing committee" and insert "subcommittee".

On motion of Senator Bottiger, the question was divided.

The President Pro Tempore declared the question before the Senate to be the amendment by Senator Pullen to page 23, Rule 47, line 466.

The motion by Senator Pullen carried and the amendment was adopted.

The President declared the question before the Senate to be the amendment by Senator Pullen to page 23, Rule 47, line 477.

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

There being no objection, on motion of Senator Pullen, the amendment to page 23, striking "committee" and inserting "subcommittee" was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 23, Rule 47, line 477, after "chairperson" and before the colon insert: "and such bill and recommendation shall remain in committee until such time as a majority of committee members have signed the committee report form"

Debate ensued.

On motion of Senator Bluechel, further consideration of the amendment to page 23, line 477 was deferred until a later time.

Senator Pullen moved the following amendments be considered and adopted simultaneously:

On page 25, Rule 50, line 508 and 509 after "members" strike "of the senate" and insert "present"

On page 33, Rule 74, line 668, after "members" strike "of the senate" and insert "present"

On page 34, Rule 74, line 687, after "members" strike "of the senate" and insert "present"

Debate ensued.

There being no objection, on motion of Senator Pullen, the three amendments were withdrawn.

On motion of Senator Hayner, the following amendment by Senators Hayner, Jones and Clarke was adopted:

On page 5, line 96, after "employment" strike "official position".

There being no objection, on motion of Senator Hayner, the amendments to page 11 and page 18 by Senators Hayner, Jones and Clarke on the desk of the Secretary of the Senate, were withdrawn.

Senator von Reichbauer moved adoption of the following amendment:

On page 18, line 360, strike "five" and restore "one".

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the amendment by Senator von Reichbauer.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

There being no objection, an amendment to page 19, line 383, on the desk of the Secretary of the Senate, was withdrawn.

Senator Hayner moved adoption of the following amendment by Senators Hayner, Jones and Clarke:

On page 23, beginning on line 476, strike "PROVIDED, That in the case of a tie vote in a standing committee a bill may carry a recommendation consistent with the vote of the committee chairperson:".

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Talmadge, some of the things that Senator Clarke has just said, raised some questions in my mind and I was also thinking of situations in

last session in some of the committees when we did, indeed, have tie votes, and they were not party line votes, so let us just disregard that. Let us just say that they are, indeed, tie votes, there is at least one other committee on here where that is possible; I mean the natural resources committee has twelve members and of course any other time when a member is absent from a committee, that possibility also exists, that there would be a tie vote.

"Now obviously from what Senator Jones has said do you agree that when there is a tie vote, normally, without this rule, the motion would lose? Is that correct?"

Senator Talmadge: "Yes. The only remarks I would add, Senator Lee, would be that practically speaking I think the chairman would delay the vote, or alternatively switch his or her vote at the last minute to be with the prevailing side to make a motion for reconsideration to put the matter over."

Senator Lee: "That really is what leads to my next question, because when the chairman is on the dissenting side and there is a tie vote, does this, this kind of rule probably has no substance. Wouldn't it therefore be true that the one time when it would be used and would be of use to the committee chairman, would be when that committee chairman favored a motion and does not have the majority in the committee to see that it is passed out; in other words he has two 'yes' votes . . .".

Senator Talmadge: "No, the intention is that the bill would take the recommendation of the committee chairman, 'do pass', 'do not pass', and so on. I think it would be significant also in the case of 'do not pass'. If something were to take place with respect to the bill that the chairman felt was objectionable and that would carry the majority recommendation in the committee, but it also would be a 'do not pass' recommendation."

Senator Lee: "I think what I am asking is, it appears that this would be unnecessary when the chairman of the committee voted in the negative; because the usual rule that, if it is a tie vote, that it does not, in other words such a rule would not be necessary, that it is only necessary, really, to assist the chairman when the chairman wishes to, a 'do pass' vote."

Senator Talmadge: "Well, I also think it has the significance with respect to the 'do not pass' which is the affirmative motion."

POINT OF INQUIRY

Senator Clarke: "I would ask Senator Talmadge to recall to me any situation that he can remember where a committee has reported a bill out 'do not pass'. The normal procedure, or course, is that the bill just does not get out of committee. So I think we are talking about things that never occur."

Senator Talmadge: "In response to Senator Clarke's concern, there is a provision in the rules that a bill can carry a 'do not pass' recommendation, need not be laid on the table in the committee."

Further debate ensued.

The motion by Senator Hayner carried and the amendment was adopted on a rising vote.

Senator Hayner moved adoption of the following amendment by Senators Hayner, Jones and Clarke:

On page 25, line 507, strike "two-thirds" and reinsert "majority"

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Mr. President, reference to the other house is a clear violation of Reed's rules, it has been tolerated to a point that I now raise the point of order and ask the . . ."

POINT OF ORDER

Senator Bottiger: "Mr. President, Reed's rules, and I am trying to find it, prohibits reference, I will find it quick enough, prevents reference in floor debate in a legislative body referring to actions of the other body of a unicameral legislature."

RULING BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "Senator Hayner may proceed."
Further debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Would Senator Bottiger yield?"

(Senator Bottiger declined.)

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Hayner, Jones and Clarke to page 25, line 507.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

There being no objection, on motion of Senator Hayner, an amendment by Senators Hayner, Jones and Clarke to page 31, line 620, on the desk of the Secretary of the Senate, was withdrawn.

Senator Hayner moved adoption of the following amendment by Senators Hayner, Jones and Clarke:

On page 31, line 620, strike "only for omnibus appropriations bills"

Debate ensued.

The motion by Senator Hayner failed and the amendment was not adopted.

Senator Hayner moved adoption of the following amendment by Senators Hayner, Jones and Clarke:

On page 33, line 664, after "shall be" reinsert "read in full and entered upon the journal" and on line 665 strike "recorded"

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, one of the joint select committee studies was 'How do we get a gubernatorial appointment to a committee so they can begin holding hearings when the Senate was not in session', and I thought that was how we resolved it. If you reinsert 'read in full', then we are back to ground zero and we have no way to get them to the standing committees during interim so that the process will start. This was the key feature, I thought, of the select committee bill, so if Senator von Reichbauer is here, that is my concern."

Senator Hayner: ". . . refer this to Senator Newhouse."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Senator Bottiger, I would suggest that the only way we could properly handle that would be by concurrent resolution at the end of the session, give authority to the committees to handle those hearings."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I am not sure I am satisfied with that. Senator von Reichbauer, the proposal is to delete the language which provides the automatic referral of the gubernatorial appointment to a standing committee so that they could begin their work. And I thought that was one of the main features of the select committee report, and for that reason I would have to oppose this. I think we are going a step backwards instead of forward."

The motion by Senator Hayner failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 11, Rule 17, line 207, after "majority vote" insert "of the members present".

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Pullen, the following amendments were considered and adopted simultaneously:

On page 25, Rule 50, line 508, strike "members of the senate" and insert "senators elected".

On page 33, Rule 74, line 668, strike "members of the senate" and insert "senators elected".

On page 34, Rule 74, line 687, strike "members of the senate" and insert "senators elected".

There being no objection, on motion of Senator Pullen, an amendment to page 23, Rule 47, line 477 on the desk of the Secretary of the Senate was withdrawn.

The President declared the question before the Senate to be adoption of Senate Resolution 1981-5 as amended.

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "The last amendment to Senator Pullen's that we adopted, refers to 'senators elected' rather than 'members of the Senate'. It would seem to me that this would put Senator Newhouse in a rather precarious position under these rules."

REMARKS BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "Senator Newhouse does not appear to be precarious, but . . . Senator Pullen, did you want to comment on that point raised by Senator Peterson?"

POINT OF INQUIRY

Senator Pullen: "I started to but I am not sure I want to now; but just to clarify real quickly, every Senator is elected. Even those that are considered to be appointed are really elected Senators. You are elected by the county commissioners; if not, directly by the people; so every Senator is elected. This language is the same language that is right out of the Constitution and it is the same language that occurs in other rules that we have already adopted and that have existed before. So we like you, Senator Newhouse, and we are glad to keep you."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I do not feel at all in a precarious position, Senator Peterson. I would point out, though, that by those amendments, there are three places in the rules which require a two-thirds vote of those elected, but you can suspend that rule by two-thirds vote of those present."

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of Senate Resolution 1981-5, as amended.

ROLL CALL

The Secretary called the roll and Senate Resolution 1981-5, as amended, was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Senate Bill No. 3066.

On motion of Senator Rasmussen, Senate Bill No. 3066 was rereferred to the Committee on Financial Institutions and Insurance.

At 12:18 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Friday, January 23, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 23, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Patterson and Sellar. On motion of Senator Bluechel, Senators Patterson and Sellar were excused.

The Color Guard, consisting of Pages Craig Crandall and James Hatch, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1981.

SENATE BILL NO. 3069, providing for sentencing after appeals from police court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 15, 1981.

SENATE BILL NO. 3071, implementing the constitutional amendment creating a judicial qualifications commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talmadge, Chairman; Clarke, Hemstad, Newhouse, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3078, permitting prejudgment interest (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3078 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3079, permitting written statements made under penalty of perjury in lieu of sworn written statements under some circumstances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 22, 1981.

SENATE BILL NO. 3110, providing for reduction of court congestion (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3110 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Hemstad, Pullen, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

January 15, 1981.

SENATE BILL NO. 3112, providing for the award of expenses to prevailing parties in civil actions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talmadge, Chairman; Bottiger, Newhouse, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3114, modifying provisions relating to attorneys' fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Hayner, Newhouse, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3115, authorizing district court actions on contractors' bonds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Clarke, Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 15, 1981.

SENATE JOINT RESOLUTION NO. 107, authorizing additional court commissioners (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talmadge, Chairman; Bottiger, Newhouse, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 22, 1981.

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:

Edward W. Sheets, appointed January 14, 1981, for a term ending at the pleasure of the Governor, succeeding Jack O. Wood as Director of the State Energy Office.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Energy and Utilities.

Office of the Governor, January 22, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Jeff Domaskin, reappointed January 19, 1981, for a term ending December 31, 1986, as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

Office of the Governor, January 22, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Fred Huleen, reappointed January 19, 1981, for a term ending January 4, 1983, succeeding Margaret C. Wehnert as a member of the State Personnel Board.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, January 22, 1981.

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:

Carl G. Westine, appointed January 19, 1981, for a term ending January 4, 1985 succeeding Taul Watanabe as a member of the State Personnel Board.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, January 22, 1981.

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:

W. P. Ellis, appointed January 19, 1981, for a term ending December 26, 1984, succeeding Jim Blackmore as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Transportation.

Office of the Governor, January 22, 1981.

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:

M. R. Flavel, appointed January 19, 1981, for a term ending December 26, 1983 succeeding W. W. Henshaw as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Transportation.

Office of the Governor, January 22, 1981.
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:

Sherry Avena, appointed January 19, 1981, for a term ending June 19, 1984, as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 22, 1981.
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:

Conrad D. Edwards, appointed January 19, 1981, for a term ending June 19, 1982, as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 22, 1981.
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:

Vicki S. McNeill, appointed January 19, 1981, for a term ending June 19, 1983, as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 22, 1981.
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:

Ruth Balkema Prins, Ed.D., appointed January 19, 1981, for a term ending June 19, 1983, as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 22, 1981.

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:

C. T. Wright, Ph.D., appointed January 19, 1981, for a term ending June 19, 1983, as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 22, 1981.

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:

Marjorie J. Kafer, appointed January 19, 1981, for a term ending December 31, 1984, succeeding Jean Davis as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Constitutions and Elections.

Office of the Governor, January 22, 1981.

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:

Valoria Ann Loveland, appointed January 19, 1981, for a term ending December 31, 1981, succeeding Malachy Scanlan as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Constitutions and Elections.

Office of the Governor, January 22, 1981.

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:

Jane Rae Wilkinson, appointed January 19, 1981, for a term ending September 8, 1985, succeeding Mary Ellen Krug as a member of the Public Employment Relations Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, January 23, 1981.

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:

Warren Chinn, appointed January 22, 1981, for a term ending January 17, 1983 succeeding Nancy Purviss as a member of the Horse Racing Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, January 23, 1981.

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:

Robert L. Mead, appointed January 22, 1981, for a term ending January 14, 1985 succeeding James B. Hovis as a member of the Horse Racing Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, January 23, 1981.

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:

Will Bachofner, appointed January 22, 1981, for a term ending January 12, 1987 succeeding James Bender as a member of the Horse Racing Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, January 22, 1981.

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:

Alan J. Gibbs, appointed February 9, 1981, for a term ending at the pleasure of the Governor, succeeding Gerald Thompson as Secretary of the Department of Social and Health Services.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3196, by Senators Wojahn, Jones, Talmadge, Sellar and Hayner:

AN ACT Relating to notaries public; and amending section 3, page 473, Laws of 1890 as amended by section 1, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.030.

Referred to Judiciary Committee.

SENATE BILL NO. 3197, by Senators Williams, Guess, Vognild, Wojahn, Benitz, Lee and Jones:

AN ACT Relating to public contracts; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3198, by Senator Hayner:

AN ACT Relating to sales under redemption; and amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3199, by Senators Haley, Scott, Gould, Woody, Fuller and Lee:

AN ACT Relating to state government; and creating a new chapter in Title 44 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3200, by Senator Hayner:

AN ACT Relating to redemption procedures in irrigation districts; and amending section 29, page 687, Laws of 1889-90 as last amended by section 5, chapter 58, Laws of 1955 and RCW 87.03.355.

Referred to Committee on Agriculture.

SENATE BILL NO. 3201, by Senator Haley:

AN ACT Relating to civil procedure; and adding a new chapter to Title 4 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3202, by Senators Haley and Lee:

AN ACT Relating to electronic surveillance; amending section 1, chapter 93, Laws of 1967 ex. sess. as amended by section 1, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.030; adding a new section to chapter 36.28 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3203, by Senators Haley, Deccio, Lee, Woody and Hughes:

AN ACT Relating to criminal punishment; amending section 153, page 125, Laws of 1854 as last amended by section 1131, Code of 1881 and RCW 10.70.090; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3204, by Senators Conner and Fuller:

AN ACT Relating to fishing; adding a new chapter to Title 75 RCW; and providing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3205, by Senators Bauer and Sellar:

AN ACT Relating to savings and loan associations; amending section 4, chapter 122, Laws of 1955 as last amended by section 7, chapter 107, Laws of 1969 and RCW 33.48.030; amending section 119-A, chapter 235, Laws of 1945 and RCW 33.04.010; amending section 40, chapter 235, Laws of 1945, and RCW 33.20.030; and adding a new section to chapter 33.48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3206, by Senators Rasmussen and Jones:

AN ACT Relating to intoxicating liquor; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 140, Laws of 1980 and RCW 66.04.010; amending section 71, chapter 62, Laws of 1933 ex. sess. as last amended

by section 3, chapter 6, Laws of 1961 ex. sess. and RCW 66.08.024; amending section 68, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.080; amending section 56, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.130; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 217, chapter 158, Laws of 1979 and RCW 66.16.040; amending section 4, chapter 67, Laws of 1949 as last amended by section 4, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.20.190; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010; amending section 23-U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 11, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.025; amending section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 2, chapter 204, Laws of 1973 1st ex. sess. and RCW 66.24.210; amending section 24, chapter 62, Laws of 1933 ex. sess. as amended by section 30, chapter 173, Laws of 1965 ex. sess. and RCW 66.24.290; amending section 2, chapter 263, Laws of 1957 as amended by section 1, chapter 112, Laws of 1969 ex. sess. and RCW 66.24.410; amending section 23-T added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 6, chapter 5, Laws of 1949 and RCW 66.24.450; amending section 1, chapter 55, Laws of 1967 as last amended by section 5, chapter 9, Laws of 1977 ex. sess. and RCW 66.24.490; amending section 52, chapter 62, Laws of 1933 ex. sess. as amended by section 7, chapter 174, Laws of 1935 and RCW 66.28.090; amending section 34, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.100; amending section 93, chapter 62, Laws of 1933 ex. sess. as amended by section 16, chapter 174, Laws of 1935 and RCW 66.44.180; amending section 3, chapter 49, Laws of 1965 and RCW 66.44.292; amending section 36-A added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 245, Laws of 1943 and RCW 66.44.310; amending section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44.340; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 204, Laws of 1973 1st ex. sess. and RCW 82.08.150; amending section 82.08.160, chapter 15, Laws of 1961 as amended by section 12, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.160; creating new sections; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW; repealing section 39, chapter 62, Law of 1933 ex. sess. and RCW 66.20.130; repealing section 53, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.135; repealing section 54, chapter 62, Laws of 1933 ex. sess. and RCW 66.20.137; repealing section 35, chapter 62, Laws of 1933 ex. sess. and RCW 66.44.110; providing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3207, by Senators Rasmussen and Jones (by Office of State Treasurer request):

AN ACT Relating to public funds; and amending section 1, chapter 15, Laws of 1977 ex. sess. as amended by section 48, chapter 151, Laws of 1979 and RCW 39.58.150.

Referred to Committee on State Government.

SENATE BILL NO. 3208, by Senators Rasmussen and Jones (by Office of State Treasurer request):

AN ACT Relating to the state treasurer; amending section 10, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.245; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3209, by Senators Rasmussen and Jones (by Office of State Treasurer request):

AN ACT Relating to the state treasurer; amending section 2, chapter 25, Laws of 1967 ex. sess. as last amended by section 69, chapter 151, Laws of 1979 and

RCW 42.16.011; amending section 3, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.012; amending section 4, chapter 25, Laws of 1967 ex. sess. as last amended by section 70, chapter 151, Laws of 1979 and RCW 42.16.013; amending section 5, chapter 25, Laws of 1967 ex. sess. as last amended by section 71, chapter 151, Laws of 1979 and RCW 42.16.014; amending section 6, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.015; amending section 2, chapter 72, Laws of 1971 ex. sess. as last amended by section 1, chapter 17, Laws of 1977 and RCW 43.85.241; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3210, by Senators Rasmussen and Jones (by Office of State Treasurer request):

AN ACT Relating to the state treasurer; amending section 2, chapter 48, Laws of 1975 and RCW 43.08.061; amending section 43.08.062, chapter 8, Laws of 1965 and RCW 43.08.062; amending section 43.08.070, chapter 8, Laws of 1965 as amended by section 2, chapter 88, Laws of 1971 ex. sess. and RCW 43.08.070; amending section 5, chapter 80, Laws of 1899 and RCW 39.56.030; and repealing section 3, chapter 80, Laws of 1899, section 1, chapter 88, Laws of 1971 ex. sess. and RCW 39.56.010.

Referred to Committee on State Government.

SENATE BILL NO. 3211, by Senator Wojahn:

AN ACT Relating to savings and loan associations; and adding a new chapter to Title 33 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3212, by Senator Pullen:

AN ACT Relating to sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3213, by Senators von Reichbauer, Jones, Moore, Williams, Clarke and Charnley:

AN ACT Relating to electrified public streetcar lines; amending section 35.43-.040, chapter 7, Laws of 1965 as amended by section 1, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.040; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3214, by Senators Zimmerman, Bauer and Hughes:

AN ACT Relating to early milk; and amending section 15.32.160, chapter 11, Laws of 1961 and RCW 15.32.160.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3215, by Senators Bauer, Zimmerman and Fuller:

AN ACT Relating to property taxation; amending section 84.40.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1973 and RCW 84.40.020; amending section 84.40.040, chapter 15, Laws of 1961 as last amended by section 97, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.040; and adding a new section to chapter 84.40 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3216, by Senators Charnley, Kiskaddon, Moore and Hughes:

AN ACT Relating to child abuse; and amending section 6, chapter 13, Laws of 1965 as amended by section 6, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3217, by Senators Haley, Moore, Quigg and Hughes:

AN ACT Relating to support obligations; and amending section 48, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.200.
Referred to Judiciary Committee.

SENATE BILL NO. 3218, by Senators Moore, Jones, Vognild, Deccio and Lee:

AN ACT Relating to jails; amending section 2, chapter 316, Laws of 1977 ex. sess. as amended by section 11, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.020; amending section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050; amending section 6, chapter 316, Laws of 1977 ex. sess. as last amended by section 9, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.060; amending section 7, chapter 316, Laws of 1977 ex. sess. as last amended by section 14, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.070; amending section 8, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.080; amending section 9, chapter 316, Laws of 1977 ex. sess. as amended by section 15, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.090; amending section 11, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.110; amending section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120; amending section 10, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.200; amending section 2, chapter 232, Laws of 1979 ex. sess. as amended by section 1, chapter 143, Laws of 1980 and RCW 70.48.260; amending section 4, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.280; repealing section 3, chapter 316, Laws of 1977 ex. sess., section 12, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.030; repealing section 4, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.040; and repealing section 15, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.150.

Referred to Committee on State Government.

SENATE BILL NO. 3219, by Senators Charnley and Hughes:

AN ACT Relating to land areas along the Pacific Ocean; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 1, chapter 54, Laws of 1935 and RCW 79.16.130; amending section 1, chapter 105, Laws of 1901 and RCW 79.16.160; amending section 1, chapter 110, Laws of 1901 and RCW 79.16.170; amending section 2, chapter 212, Laws of 1963 and RCW 79.16.173; adding a new section to chapter 46.61 RCW; repealing section 1, chapter 212, Laws of 1963 and RCW 79.16.172; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3220, by Senators Gould, Hemstad, Newhouse, McCaslin and Fuller (by Executive request):

AN ACT Relating to electric power and conservation planning; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3221, by Senators Goltz, Jones and Charnley:

AN ACT Relating to the University of Washington; and amending section 1, chapter 105, Laws of 1975 1st ex. sess. and RCW 28B.15.225.

Referred to Committee on Higher Education.

SENATE BILL NO 3222, by Senators Moore, Haley, Craswell and Zimmerman:

AN ACT Relating to institutional industries; amending section 72.60.010, chapter 28, Laws of 1959 as amended by section 254, chapter 141, Laws of 1979 and RCW 72.60.010; amending section 72.60.020, chapter 28, Laws of 1959 as amended by section 255, chapter 141, Laws of 1979 and RCW 72.60.020; amending section 72.60.030, chapter 28, Laws of 1959 as amended by section 256, chapter

141, Laws of 1979 and RCW 72.60.030; amending section 72.60.070, chapter 28, Laws of 1959 and RCW 72.60.070; amending section 72.60.090, chapter 28, Laws of 1959 as amended by section 258, chapter 141, Laws of 1979 and RCW 72.60.090; amending section 72.60.180, chapter 28, Laws of 1959 and RCW 72.60.180; amending section 4, chapter 273, Laws of 1959 as last amended by section 173, chapter 151, Laws of 1979 and RCW 72.60.270; amending section 5, chapter 273, Laws of 1959 as last amended by section 5, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.280; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; amending section 3, chapter 32, Laws of 1969 as last amended by section 1, chapter 103, Laws of 1980 and RCW 43.19.190; repealing section 72.60.120, chapter 28, Laws of 1959 and RCW 72.60.120; and repealing section 72.60.150, chapter 28, Laws of 1959 and RCW 72.60.150.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3223, by Senators Charnley, Goltz and Guess:

AN ACT Relating to institutions of higher education; and amending section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710.

Referred to Committee on Higher Education.

SENATE BILL NO. 3224, by Senators Sellar, Moore, McCaslin, Lee, Gallagher, Guess and Bauer:

AN ACT Relating to motor vehicles; amending section 2, chapter 11, Laws of 1979 as amended by section 160, chapter 158, Laws of 1979 and RCW 46.52.030; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3225, by Senators Lysen, Bottiger, Quigg and Lee:

AN ACT Relating to disclosure of information; adding a new section to chapter 9.55 RCW; adding a new chapter to Title 42 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3226, by Senators Wilson, Craswell, Bottiger, Zimmerman, Deccio, Rasmussen, Hayner, Talley, Sellar, Hurley, Quigg, Clarke, Kiskaddon, Fleming, Peterson, Gallagher, Wojahn, Jones, Patterson, Benitz, Gould, Goltz, von Reichbauer, Shipoch, Hemstad, Gaspard, Bauer, Conner, Guess, Vognild, Hansen, Fuller, McCaslin, Charnley and Hughes:

AN ACT Relating to reimbursement of local political subdivisions for costs mandated by the state; amending section 5, chapter 19, Laws of 1977 ex. sess. as amended by section 152, chapter 151, Laws of 1979 and RCW 43.132.050; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3227, by Senator Rasmussen:

AN ACT Relating to food fish and shellfish; and amending section 75.40.050, chapter 12, Laws of 1955 as amended by section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3228, by Senators Rasmussen and Charnley:

AN ACT Relating to disabled persons; amending section 2, chapter 110, Laws of 1975 1st ex. sess. and RCW 70.92.110; and adding new sections to chapter 70.92 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3229, by Senators Vognild, Quigg and Conner:

AN ACT Relating to benefit overpayments under unemployment compensation; creating new sections; adding a new section to chapter 50.44 RCW; declaring an emergency; and making an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3230, by Senators Talley, Jones and Conner:

AN ACT Relating to pilotage; adding new sections to chapter 88.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SENATE BILL NO. 3231, by Senators Talley, Jones and Conner (by Board of Pilotage Commissioners request):

AN ACT Relating to marine pilots; and amending section 8, chapter 18, Laws of 1935 as last amended by section 3, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.090.

Referred to Committee on Transportation.

SENATE BILL NO. 3232, by Senators von Reichbauer and Guess (by State Patrol request):

AN ACT Relating to public highways; and adding a new section to chapter 47.48 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3233, by Senators von Reichbauer and Guess (by State Patrol request):

AN ACT Relating to motor vehicles; and amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 83, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.120.

Referred to Committee on Transportation.

SENATE BILL NO. 3234, by Senators von Reichbauer and Guess (by State Patrol request):

AN ACT Relating to motor vehicle accident reports; and amending section 2, chapter 11, Laws of 1979 as amended by section 160, chapter 158, Laws of 1979 and RCW 46.52.030.

Referred to Committee on Transportation.

SENATE BILL NO. 3235, by Senators von Reichbauer and Guess (by State Patrol request):

AN ACT Relating to motor vehicles; amending section 7, chapter 91, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 32, Laws of 1980 and RCW 46.12.360; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3236, by Senators Haley and Lee:

AN ACT Relating to financial responsibility for residential care of youths; adding a new chapter to Title 13 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3237, by Senators McDermott, Jones, Fleming, Patterson, von Reichbauer, Gould, Talmadge and Gaspard:

AN ACT Relating to higher education; and amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1979 and RCW 28B.15.380.

Referred to Committee on Higher Education.

SENATE JOINT RESOLUTION NO. 108, by Senators Haley, Scott, Gould, Woody, Fuller, Lee and Charnley:
Amending the Constitution to establish a redistricting commission.
Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 109, by Senators Charnley, Gould, Hurley, Williams, Scott and Ridder:
Permitting fuel tax revenues to be used for public transportation.
Referred to Committee on Transportation.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 1981—6

By Lieutenant Governor John Cherberg; Senators Rasmussen, Conner, Hansen, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, After 444 days of captivity, the 52 American hostages held by Iran have been released and now are enjoying their freedom; and

WHEREAS, Our nation has been sorely tried by the tyranny of Iran, but our people are overjoyed that the hostages are free; and

WHEREAS, The hostages shortly will be returning to their homes and to their loved ones; and

WHEREAS, Through this oppressive experience, the hostages apparently have borne up well and our nation has come together as one people in concern for their safety; and

WHEREAS, Freedom is the essence of our democracy, and all of us have again learned the deep lesson of its value in our concern for the hostages;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that our expression of joy on the release of the hostages be conveyed through adoption of this resolution, on behalf of the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to President Ronald Reagan, former President Jimmy Carter, Secretary of State Alexander Haig, former Secretary of State Edmund Muskie, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the congressional delegation from Washington State.

MOTIONS

On motion of Senator Rasmussen, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1981—6.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Rasmussen was adopted:

After line 2 of the resolution, insert the following paragraph:

"WHEREAS, Eight Americans lost their lives in a valiant attempt to rescue the the hostages, and all Americans mourned their loss; and"

On the last line of the resolution, after "Representatives," strike "and" and after "State" and before the period insert ", and the hostages and their families"

The motion by Senator Rasmussen carried and the resolution, as amended, was adopted.

MOTION

Senator Guess moved adoption of the following resolution:

SENATE RESOLUTION 1981—7

By Lieutenant Governor John Cherberg; Senators Guess, Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Charlie Johnson, Sergeant at Arms:

WHEREAS, Fifty-two American citizens were held hostage with no regard to international law and order; and

WHEREAS, The United States government, despite many attempts, was not able to negotiate directly for the release of the American hostages; and

WHEREAS, The government of Algeria did act as an intermediary in negotiating the release of the American hostages; and

WHEREAS, In the course of the delicate and arduous negotiations, members of the government of Algeria provided fair and impartial communications under circumstances demanding the highest order of diplomacy; and

WHEREAS, The fair and impartial communications, upon which rested the future of orderly international relations, led directly to the release of the hostages;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Senators of the State of Washington of the United States of America, elected to represent the people of the state, express their gratitude and appreciation to the people and government of Algeria for the heroic and humanitarian actions taken, leading to the release of American hostages; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to the Algerian Ambassador to the United States.

MOTION

On motion of Senator Rasmussen, all members were permitted as additional sponsors of Senate Resolution 1981—7.

The motion of Senator Guess carried and the resolution was adopted.

MOTIONS

On motion of Senator Moore, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 3194.

On motion of Senator Moore, Senate Bill No. 3194 was rereferred to the Committee on Commerce and Labor.

At 10:05 a.m., Senator Bottiger moved the Senate be in recess until 11:00 a.m.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, did you not rule in the last session that a day is a period from which the sun rises to the time the sun sets and therefore we can come

in any time on Monday as long as the sun has not yet set? Just to refresh your memory, Mr. President, I raised the issue last session when someone moved to adjourn and the time would have been, as I recall, seventy-four hours, and I immediately rose and objected, saying that seventy-four hours is more than seventy-two hours, which would be a three-day period. And your ruling at that time was that, it is true that a day can be construed as twenty-four hours, but it can also be construed as the time until the sun sets. And that would allow us, really, until about 5 o'clock p.m. on Monday. We did, under that ruling, recess for a period longer than seventy-two hours, I think it was seventy-four hours at that time."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President would have to refer to the Senate Journal of that time, and also to his friend Mr. Webster, to be able to reply to your inquiry."

RULING BY THE PRESIDENT

President Cherberg: "If Senator Pullen would so desire, the President will read the ruling as of January 18, 1980. 'The President has researched a definition of a day. Webster's Third New International Dictionary states '(1) The time of light or interval between one night and the next. The time between sunrise and sunset or from dawn to darkness; (2) The period of the earth's rotation on its axis ordinarily divided into twenty-four hours measured by the interval between two successive transits of a celestial body over the same meridian and taking a specific name from that of the body.' 'Therefore the President will abide by the Constitution of the State of Washington and rule that the motion by Senator Walgren is in order.' I hope that makes it perfectly clear to each member."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. Having had at least two opportunities to preside over the bridge of what is the equivalent of the Issaquah, I would point out that being up there and seeing all the variable pitch propellers working out here, turning this thing around in circles just like it did out there in the bay, and . . . realizing what really runs this place is a little gray box back in the work room — I think we should rename this the Issaquah II."

REMARKS BY SENATOR CHARNLEY

Senator Charnley: "Thank you, Mr. President. I simply wanted to request that the President Pro Tem, Senator Goltz, provide us with a log book of the Issaquah II. There are some problems there."

The motion by Senator Bottiger carried and the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:00 a.m.

MOTION

At 11:01 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Monday, January 26, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 26, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Lee and Pullen. On motion of Senator Bluechel, Senators Lee and Pullen were excused.

The Color Guard, consisting of Pages Walter Kiskaddon and Paul Rider, presented the Colors. Reverend Lester G. Olsen, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 20, 1981.

SENATE BILL NO. 3067, modifying provisions on the intergovernmental disposition of property (reported by Committee on Local Government):

Recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 23, 1981

Mr. President: The House has passed: HOUSE BILL NO. 104, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3238, by Senator Gaspard:

AN ACT Relating to the Washington state school building systems project; amending section 5, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.405; amending section 1, chapter 70, Laws of 1972 ex. sess. and RCW 48.48.045; repealing section 1, chapter 238, Laws of 1971 ex. sess. and RCW 28A.04.300; and repealing section 2, chapter 238, Laws of 1971 ex. sess. and RCW 28A.04.310.

Referred to Committee on Education.

SENATE BILL NO. 3239, by Senators McDermott and Gaspard:

AN ACT Relating to recreation in the common schools; amending section 12, chapter 282, Laws of 1971 ex. sess. as amended by section 17, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.088; repealing section 28A.14.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.010; repealing section 28A.14.020, chapter 223, Laws of 1969 ex. sess., section 4, chapter 48, Laws of 1971 and RCW 28A.14.020; repealing section 28A.14.030, chapter 223, Laws of 1969 ex. sess. and RCW

28A.14.030; repealing section 28A.14.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.040; repealing section 28A.14.050, chapter 223, Laws of 1969 ex. sess., section 5, chapter 48, Laws of 1971, section 53, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.14.050; and repealing section 28A.14.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.060.

Referred to Committee on Education.

SENATE BILL NO. 3240, by Senators McDermott and Gaspard:

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; creating a new section; repealing section 28A.87.100, chapter 223, Laws of 1969 ex. sess., section 151, chapter 176, Laws of 1969 ex. sess., section 144, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.100; and repealing section 28A.87.110, chapter 223, Laws of 1969 ex. sess., section 152, chapter 176, Laws of 1969 ex. sess., section 145, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.110.

Referred to Committee on Education.

SENATE BILL NO. 3241, by Senator Gaspard:

AN ACT Relating to the powers and duties of the superintendent of public instruction; and amending section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 75, Laws of 1977 and RCW 28A.03.030.

Referred to Committee on Education.

SENATE BILL NO. 3242, by Senators Craswell and Gaspard:

AN ACT Relating to education; amending section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 118, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.150; amending section 1, chapter 111, Laws of 1973 as amended by section 21, chapter 43, Laws of 1975 and RCW 28A.60.328; amending section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 97, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.255; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3243, by Senators Talmadge, Hurley, Williams, Charnley and Hughes:

AN ACT Relating to hazardous wastes; amending section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.080; amending section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.090; adding a new section to chapter 70.105 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3244, by Senators Wojahn, Deccio, Bauer, Sellar, Hughes and Talmadge:

AN ACT Relating to casualty insurance; and amending section 27, chapter 150, laws of 1967 as amended by section 1, chapter 117, Laws of 1980 and RCW 48.22.030.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3245, by Senators Hansen, Sellar and Gallagher:

AN ACT Relating to signals and warning devices at railroad crossings; amending section 1, chapter 134, Laws of 1969 and RCW 81.53.261; and adding a new section to chapter 81.53 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3246, by Senators Haley, Shinpoch, Kiskaddon and Hemstad:

AN ACT Relating to child custody; amending section 5, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.050; amending section 19, chapter 157, Laws of

1973 1st ex. sess. and RCW 26.09.190; amending section 25, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.250; amending section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 3247, by Senators Haley, Wojahn and Lee:

AN ACT Relating to sales and use taxation; amending section 46, chapter 37, Laws of 1980 and RCW 82.08.0281; and amending section 73, chapter 37, Laws of 1980 and RCW 82.12.0275.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3248, by Senators Ridder and Jones:

AN ACT Relating to opticians; and amending section 6, chapter 43, Laws of 1957 and RCW 18.34.060.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3249, by Senators Woody, Hayner and Bottiger:

AN ACT Relating to state government; amending section 4, chapter 1, Laws of 1973 as last amended by section 1, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.040; amending section 5, chapter 1, Laws of 1973 and RCW 42.17.050; amending section 6, chapter 1, Laws of 1973 as last amended by section 3, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.060; amending section 5, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.065; amending section 9, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.067; amending section 8, chapter 1, Laws of 1973 as amended by section 6, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.090; amending section 10, chapter 1, Laws of 1973 as amended by section 4, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.100; amending section 15, chapter 1, Laws of 1973 and RCW 42.17.150; amending section 21, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.155; amending section 16, chapter 1, Laws of 1973 as last amended by section 4, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 as last amended by section 5, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.170; amending section 23, chapter 1, Laws of 1973 and RCW 42.17.230; amending section 35, chapter 1, Laws of 1973 as last amended by section 8, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.350; amending section 12, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.395; amending section 13, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.397; amending section 41, chapter 1, Laws of 1973 and RCW 42.17.410; repealing section 14, chapter 1, Laws of 1973 and RCW 42.17.140; repealing section 11, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.392; and making an appropriation.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3250, by Senators Deccio, Williams and Talley (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 102, Laws of 1980 and RCW 48.15-.070.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3251, by Senators Gaspard, McCaslin, Ridder and Hughes:

AN ACT Relating to the board of dental examiners; amending section 2, chapter 112, Laws of 1935 as last amended by section 1, chapter 38, Laws of 1979

and RCW 18.32.035; and amending section 3, chapter 112, Laws of 1935 and RCW 18.32.037.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3252, by Senators Charnley, Gallagher, Ridder and Hughes:

AN ACT Relating to motor vehicles; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 3253, by Senators Goltz, Lee and Wilson:

AN ACT Relating to conservation; amending section 6, chapter 187, Laws of 1939 as last amended by section 20, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.190; amending section 21, chapter 304, Laws of 1955 as last amended by section 21, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.200; amending section 23, chapter 304, Laws of 1955 as last amended by section 23, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.220; amending section 5, chapter 218, Laws of 1979 ex. sess. and RCW 84.55.035; adding new sections to chapter 89.08 RCW; and making an appropriation.

Referred to Committee on Agriculture.

SENATE BILL NO. 3254, by Senators Wojahn, Gould, Woody and Ridder:

AN ACT Relating to voters and candidates pamphlets; adding a new section to chapter 29.80 RCW; and adding a new section to chapter 29.81 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3255, by Senators Pullen, Rasmussen, Hurley, Benitz and Vognild:

AN ACT Relating to firearms; and amending section 5, chapter 172, Laws of 1935 as amended by section 4, chapter 124, Laws of 1961 and RCW 9.41.050.

Referred to Judiciary Committee.

SENATE BILL NO. 3256, by Senators Pullen, Vognild, Hansen and Benitz:

AN ACT Relating to firearms; and adding a new section to chapter 9.41 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3257, by Senators Woody, Fuller and Gould:

AN ACT Relating to elections; amending section 1, chapter 361, Laws of 1977 ex. sess. and RCW 29.01.006; amending section 1, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.095; amending section 29.07.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 48, Laws of 1980 and RCW 29.07.010; amending section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; amending section 29.07.050, chapter 9, Laws of 1965 as amended by section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; amending section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; amending section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; amending section 29.07.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; amending section 29.07.090, chapter 9, Laws of 1965 as last amended by section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; amending section 2, chapter 153, Laws of 1973 as amended by section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; amending section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; amending section 29.07.100, chapter 9, Laws of 1965 as amended by section 13, chapter 202, Law of 1971 ex. sess. and RCW 29.07.100; amending section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; amending section 29.07.110, chapter 9, Laws of 1965 as amended by section 15, chapter 202, Laws of 1971 ex. sess. and

RCW 29.07.110; amending section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; amending section 29.07.120, chapter 9, Laws of 1965 as amended by section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; amending section 29.07.130, chapter 9, Laws of 1965 as amended by section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; amending section 29.07.140, chapter 9, Laws of 1965 as last amended by section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; amending section 29.07.150, chapter 9, Laws of 1965 as amended by section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 3, Laws of 1980 and RCW 29.07.160; amending section 29.07.170, chapter 9, Laws of 1965 as amended by section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; amending section 29.07.180, chapter 9, Laws of 1965 as amended by section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; amending section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; amending section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 27, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.080; amending section 29.10.100, chapter 9, Laws of 1965 as amended by section 31, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.100; amending section 29.10.120, chapter 9, Laws of 1965 as last amended by section 28, chapter 361, Laws of 1977 ex. sess. and RCW 29.10.120; amending section 1, chapter 96, Laws of 1979 and RCW 29.10.170; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; adding a new section to chapter 29.01 RCW; repealing section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020; repealing section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060; declaring an emergency; and providing an effective date.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3258, by Senators Gallagher and Goltz:

AN ACT Relating to fisheries enforcement officers; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3259, by Senators Pullen, Rasmussen and Vognild:

AN ACT Relating to public safety; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040; adding a new section to chapter 9.95 RCW; creating new sections; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3260, by Senators Fuller, Conner and Hurley:

AN ACT Relating to public employment; and amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010.

Referred to Committee on State Government.

SENATE BILL NO. 3261, by Senator Pullen:

AN ACT Relating to jury trials; amending section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020; amending section 77, chapter 299, Laws of 1961 as amended by section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 as amended

by section 21, chapter 136, Laws of 1979 ex. sess. and RCW 12.36.010; amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030; amending section 6, chapter 148, Laws of 1980 and RCW 35.20.090; amending section 35.22.530, chapter 7, Laws of 1965 as amended by section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530; amending section 35.24.470, chapter 7, Laws of 1965 as last amended by section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470; amending section 35.27-.540, chapter 7, Laws of 1965 as last amended by section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. as amended by section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040; amending section 6, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.040; amending section 8, chapter 136, Laws of 1979 ex. sess. as amended by section 1, chapter 128, Laws of 1980 and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 128, Laws of 1980 and RCW 46.63.070; amending section 10, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.080; amending section 11, chapter 136, Laws of 1979 ex. sess. as amended by section 3, chapter 128, Laws of 1980 and RCW 46.63.090; amending section 14, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.120; and adding a new section to chapter 4.44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3262, by Senator Bottiger:

AN ACT Relating to education; and amending section 4, chapter 153, Laws of 1969 ex. sess. as amended by section 89, chapter 158, Laws of 1979 and RCW 28A.04.131.

Referred to Committee on Education.

SENATE BILL NO. 3263, by Senators Woody, Haley, Bottiger, Wilson and Charnley:

AN ACT Relating to reapportionment and redistricting; and creating a new chapter in Title 44 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3264, by Senators Peterson, Gallagher and Talley (by Department of Fisheries request):

AN ACT Relating to commercial salmon fishing; amending section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 57, Laws of 1965 ex. sess. and RCW 75.28.014; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3265, by Senators Peterson, Gallagher and Talley (by Department of Fisheries request):

AN ACT Relating to salmon charter boat licensing limitations; amending section 2, chapter 106, Laws of 1977 ex. sess. as amended by section 7, chapter 101, Laws of 1979 and RCW 75.30.020; and repealing section 6, chapter 101, Laws of 1979 and RCW 75.30.110.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3266, by Senators Moore and Woody:

AN ACT Relating to counties; and amending section 36.16.100, chapter 4, Laws of 1963 and RCW 36.16.100.

Referred to Committee on Local Government.

SENATE BILL NO. 3267, by Senators Talmadge, Quigg and Moore:

AN ACT Relating to public assistance; and amending section 11, chapter 172, Laws of 1969 ex. sess. as amended by section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044.

Referred to Judiciary Committee.

SENATE BILL NO. 3268, by Senators Gaspard, Kiskaddon, Talmadge, Hemstad, Rasmussen, Wojahn, Gallagher, Hughes and Charnley:

AN ACT Relating to education in the common schools; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3269, by Senators Wilson, Gould, Rasmussen, Vognild, Gaspard, Hansen, Fleming, Lee, Benitz, Ridder, Zimmerman, Quigg, Moore, Gallagher, Bauer and Williams:

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 1, chapter 84, Laws of 1977 ex. sess. as amended by section 10, chapter 186, Laws of 1980 and RCW 34.04.045; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 23, chapter 186, Laws of 1980 and RCW 28B.19.033; adding new sections to chapter 28B.19 RCW; and adding new sections to chapter 34.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3270, by Senators Talley, Pullen and Guess:

AN ACT Relating to pardons and commutations; and amending section 174, page 128, Laws of 1854 as amended by section 1136, Code of 1881 and RCW 10.01.120.

Referred to Judiciary Committee.

SENATE BILL NO. 3271, by Senators Goltz, Charnley and Haley:

AN ACT Relating to no smoking signs; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3272, by Senators Talley and Fuller (by Department of Natural Resources request):

AN ACT Relating to public lands; adding a new section to chapter 79.01 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3273, by Senators Williams, Hemstad, Bottiger and Gould:

AN ACT Relating to energy conservation; and adding new sections to chapter 28A.47 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3274, by Senators Williams and Gould:

AN ACT Relating to energy conservation; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1980 and RCW 28A.45.120; amending section 14, chapter 154, Laws of 1980 (uncodified); adding a new chapter to Title 64 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3275, by Senators Williams, Gould, Moore, Bauer and Hemstad:

AN ACT Relating to electrical energy; amending section 80.28.080, chapter 14, Laws of 1961 as amended by section 116, chapter 154, Laws of 1973 1st ex. sess. and RCW 80.28.080; amending section 80.28.090, chapter 14, Laws of 1961 and RCW 80.28.090; amending section 80.28.100, chapter 14, Laws of 1961 and RCW 80.28.100; amending section 80.28.110, chapter 14, Laws of 1961 and RCW 80.28.110; adding new sections to chapter 43.21C RCW; adding a new section to

chapter 54.16 RCW; adding a new section to chapter 80.28 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3276, by Senators Williams, Gould, Hurley, Lysen, Charnley, Hemstad and Ridder:

AN ACT Relating to oil; amending section 1, chapter 133, Laws of 1969 ex. sess. as amended by section 2, chapter 88, Laws of 1970 ex. sess. and RCW 90.48-.320; adding a new chapter to Title 19 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3277, by Senators Williams, Bottiger and Charnley:

AN ACT Relating to the common schools; amending section 6, chapter 89, Laws of 1977 ex. sess. as amended by section 1, chapter 89, Laws of 1979 and RCW 28A.03.407; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3278, by Senators Lysen, Gould, Williams, Quigg, Charnley and Moore:

AN ACT Relating to nuclear safety; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3279, by Senators Wilson, Fuller, Williams and Charnley:

AN ACT Relating to the preparation of a comprehensive alternate energy resources development and energy conservation plan; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3280, by Senators Hurley, Fuller, Charnley, Williams and McCaslin:

AN ACT Relating to oil; amending section 1, chapter 133, Laws of 1969 ex. sess. as amended by section 2, chapter 88, Laws of 1970 ex. sess. and RCW 90.48-.320; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3281, by Senators Lysen, Quigg, Charnley, Williams and Fuller:

AN ACT Relating to energy conservation; amending section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.360; amending section 3, chapter 239, Laws of 1979 ex. sess. and RCW 54.16.280; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3282, by Senators Lysen, Quigg, Williams, Fuller and McCaslin:

AN ACT Relating to renewable energy; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.44 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SENATE BILL NO. 3283, by Senators Charnley, Fuller, Williams and Bauer:
AN ACT Relating to nuclear safety; adding a new chapter to Title 80 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3284, by Senators Charnley and Williams:

AN ACT Relating to energy conservation; adding a new section to chapter 65.08 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3285, by Senators Moore, Quigg, Williams, Charnley, Fuller and Hemstad:

AN ACT Relating to electrical rates and conservation; adding a new chapter to Title 80 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3286, by Senators Hurley, Quigg, Fuller, Williams and Moore:

AN ACT Relating to nuclear energy; adding a new chapter to Title 38 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3287, by Senators Williams, Fuller, Moore, Bauer, Hemstad and McCaslin:

AN ACT Relating to conservation and small scale renewable energy development; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3288, by Senator Gaspard:

AN ACT Relating to the taxation of improvements to single family dwellings; and amending section 3, chapter 125, Laws of 1972 ex. sess. and RCW 84.36.400.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3289, by Senators Peterson, Gallagher and Goltz (by Department of Fisheries request):

AN ACT Relating to food fish and shellfish; amending section 75.28.250, chapter 12, Laws of 1955 as last amended by section 15, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.250; amending section 75.28.260, chapter 12, Laws of 1955 as last amended by section 16, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.260; amending section 6, chapter 133, Laws of 1980 and RCW 75.28.277; adding new sections to chapter 75.28 RCW; creating new sections; repealing section 3, chapter 133, Laws of 1980 and RCW 75.28.274; repealing section 4, chapter 133, Laws of 1980 and RCW 75.28.275; and providing an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3290, by Senators Bauer, Haley, Ridder, Gould and Hughes:

AN ACT Relating to public retirement; amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310; amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 249, Laws of 1979 ex. sess. and RCW 41.32.010; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3291, by Senators von Reichbauer, Metcaif, Talley and Guess:

AN ACT Relating to drivers licenses; and amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 58, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.270.

Referred to Committee on Transportation.

SENATE BILL NO. 3292, by Senators Vognild, Hansen, Gaspard, Quigg, Talmadge and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to crimes; adding a new section to chapter 9A.76 RCW; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3293, by Senators Vognild, Clarke, Bluechel, Gaspard, Hansen, Quigg, Talmadge, Haley and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to fire investigators; and amending section .33.06, chapter 79, Laws of 1947 as amended by section 1, chapter 181, Laws of 1980 and RCW 48.48.060.

Referred to Judiciary Committee.

SENATE BILL NO. 3294, by Senators Vognild, Hansen, Gaspard, Pullen, Quigg, Haley and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to arson; adding a new section to chapter 48.02 RCW; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3295, by Senators Vognild, Hansen, Gaspard, Clarke, Bluechel, Peterson, Quigg, Rasmussen, Talmadge, Pullen, Haley and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to arson; amending section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.080; amending section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020; amending section 9A.28.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.020; amending section 384, chapter 249, Laws of 1909 and RCW 9.91.090; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3296, by Senators Vognild, Gaspard, Hansen, Talley, Peterson, Quigg, Rasmussen, Pullen and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to fire protection; amending section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010; amending section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050; amending section 1, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.010; amending section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050; adding new sections to chapter 48.48 RCW; creating new sections; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140; repealing section .05.32, chapter 79, Laws of 1947 and RCW 48.05.320; repealing section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010; repealing section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020; repealing section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; repealing section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3297, by Senators Vognild, Gaspard, Hansen, Quigg and Gallagher (by Senate Oversight Committee on Arson request):

AN ACT Relating to insurance; amending section .18.29, chapter 79, Laws of 1947 as last amended by section 7, chapter 102, Laws of 1980 and RCW 48.18.290; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT MEMORIAL NO. 102, by Senator Metcalf:

Memorializing Congress to call a federal constitutional convention.

Referred to Committee on Constitutions and Elections.

SENATE JOINT MEMORIAL NO. 103, by Senators Bauer and Zimmerman:

Requesting more flexible and equitable immigration procedures.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 110, by Senators Woody, Haley, Bottiger, Wilson, Talley, Williams and Charnley:

Amending the Constitution to provide for a redistricting commission.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 111, by Senators Williams, Fuller, McCaslin and Bauer:

Authorizing loans for energy conservation and renewable energy resources.

Referred to Committee on Energy and Utilities.

SENATE JOINT RESOLUTION NO. 112, by Senator Metcalf:

Submitting to the voters a request for a state constitutional convention.

Referred to Committee on Constitutions and Elections.

FIRST READING OF HOUSE BILL

HOUSE BILL NO. 104, by Committee on Appropriation – General Gov't. and Representative Williams:

Making an appropriation to the department of natural resources for reforestation.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Bottiger, the Committee on Agriculture was relieved from further consideration of Senate Joint Memorial No. 103.

On motion of Senator Bottiger, Senate Joint Memorial No. 103 was rereferred to the Committee on State Government.

At 11:28 a.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Wednesday, January 28, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 28, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary call the roll and announced to the President that all Senators were present except Senators Hayner, Lysen and Williams. On motion of Senator Shinpoch, Senators Lysen and Williams were excused. On motion of Senator Bluechel, Senator Hayner was excused.

The Color Guard, consisting of Pages Ann Froderberg and Michael Boswell, presented the Colors. Reverend Lester G. Olsen, senior pastor of Gloria Die Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1981.

SENATE BILL NO. 3046, providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary (reported by Committee on Constitutions and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Fuller, Gould, Metcalf, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3051, adding a requirement for the issuance of a driver's license or permit under certain circumstances (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3052, changing the availability of certain driver records (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Gallagher, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3053, allowing for the cancellation of "identcards" issued by the Department of Licensing (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Metcalf, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1981

SENATE BILL NO. 3057, permitting hotel, restaurant, and club patrons to remove wine from the premises (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Vognild, Chairman; Deccio, Hurley, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3058, implementing law relating to commercial operations selling term papers, theses, and dissertations (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Charnley, Chairman; Benitz, Goltz, McDermott, Patterson, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

January 16, 1981.

SENATE BILL NO. 3080, correcting an erroneous cross reference in RCW 46.63.020 (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3080 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3100, requiring both spouses to participate in the sale of encumbrance of a mobile home (reported by Committee on Social and Health Services):

Recommendation: Do pass.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, Kiskaddon, McCaslin, Ridder.

Passed to Committee on Rules for second reading.

January 23, 1981.

SENATE BILL NO. 3109, enacting the uniform trade secrets act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3191, allowing counties to extend industrial insurance coverage to include juveniles performing community service (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Hughes, Newhouse, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 27, 1981.

SENATE BILL NO. 3213, authorizing local improvement district assessments for electrified public streetcar lines (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Guess, Kiskaddon, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1981.

HOUSE BILL NO. 104, making an appropriation to the Department of Natural Resources for reforestation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Craswell, Haley, Jones, Ridder, Scott, Shinpoch, Talmadge, Woody, Zimmerman.

MOTIONS

On motion of Senator McDermott, the rules were suspended, House Bill No. 104 was advanced to second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, House Bill No. 104 was advanced to third, reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, I understand House Bill 104 does not appropriate any money out of the general fund but actually is a shift of funds within the DNR that are there."

Senator McDermott: "Yes, it is in the research management account and we are merely authorizing the expenditure of money that is already there."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 104, and the bill passed the Senate by the following vote: Yeas, 46, excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Hayner, Lysen, Williams—3.

HOUSE BILL NO. 104, 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.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 27, 1981.

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:

Philip A. Peter, appointed January 26, 1981, for a term ending September 30, 1983, succeeding Luddy Martinson as a member of the State Commission for the Blind.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 27, 1981.

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:

Marlee L. Naddy, appointed January 26, 1981, for a term ending September 30, 1983, succeeding Frank M. Cuta as a member of the State Commission for the Blind.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 27, 1981.

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:

Samuel E. Kelly, appointed January 26, 1981, for a term ending September 30, 1984, succeeding Nancy S. Rust as a member of the Board of Trustees for Community College District No. 7.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 27, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Arthur Siegal, reappointed January 23, 1981, for a term ending September 30, 1985 as a member of the Board of Trustees for Community College District No. 6.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 27, 1981.

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:

Gordon Sandison, appointed January 27, 1981 for a term ending September 30, 1986, succeeding Ark G. Chin as a member of the Board of Trustees for Western Washington University.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 27, 1981.

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:

Berta Cohen, appointed January 27, 1981, for a term ending December 31, 1985, succeeding Fred Ross as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 27, 1981.

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:

Karen B. Conoley, appointed January 27, 1981, for a term ending April 15, 1982, succeeding Jacob J. Parker as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

Office of the Governor, January 27, 1981.

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:

Diane N. Munger, appointed January 27, 1981 for a term ending September 30, 1985 succeeding Dorothy M. Knechtel as a member of the Board of Trustees for Community College District No. 17.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 27, 1981.

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:

William E. Henry, appointed January 27, 1981, for a term ending April 15, 1985 succeeding Diane Oberquell as Chairman of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

Office of the Governor, January 27, 1981.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Nicholas D. Lewis, reappointed January 14, 1981, for a term coextensive with the term of the Governor, as Chairman of the Energy Facility Site Evaluation Council.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3298, by Senators Bottiger and Fleming:

AN ACT Relating to venue in criminal procedures; and adding a new section to chapter 10.25 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3299, by Senators Hemstad and Conner:

AN ACT Relating to natural resources; amending section 2, chapter 44, Laws of 1961 and RCW 79.38.020; amending section 3, chapter 44, Laws of 1961 and RCW 79.38.030; amending section 5, chapter 44, Laws of 1961 and RCW 79.38.050; amending section 6, chapter 44, Laws of 1961 and RCW 79.38.060; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3300, by Senators Wojahn, Ridder, Jones, Shinpoch, Metcalf and Moore:

AN ACT Relating to health care; amending section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180; amending section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240; amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020; adding a new section to chapter 48.46 RCW; repealing section 2, chapter 119, Laws of 1972 ex. sess. and RCW 48.21.170; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3301, by Senators Wilson and Deccio:

AN ACT Relating to criminal procedure; amending section 147, page 124, Laws of 1854 as last amended by section 4, chapter 200, Laws of 1967 and RCW 10.82.030; and amending section 151, page 124, Laws of 1854 as last amended by section 5, chapter 200, Laws of 1967 and RCW 10.82.040.

Referred to Committee on Local Government.

SENATE BILL NO. 3302, by Senators Bauer, Gould and Benitz:

AN ACT Relating to operating agencies; amending section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250; amending section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411; and repealing section 43.52.343, chapter 8, Laws of 1965 and RCW 43.52.343.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3303, by Senators Talmadge and Clarke (by Washington State Patrol request):

AN ACT Relating to speed traps; and amending section 46.48.120, chapter 12, Laws of 1961 and RCW 46.61.470.

Referred to Judiciary Committee.

SENATE BILL NO. 3304, by Senators Wilson and Deccio:

AN ACT Relating to city and county jails; amending section 5, chapter 316, Laws of 1977 ex. sess. as amended by section 13, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.050; amending section 12, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.120; and amending section 16, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.160.

Referred to Committee on Local Government.

SENATE BILL NO. 3305, by Senators Bauer, Gould and Benitz:

AN ACT Relating to operating agencies; amending section 43.52.391, chapter 8, Laws of 1965 as amended by section 8, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.391; amending section 1, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.480; amending section 2, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.490; adding new sections to chapter 43.52 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3306, by Senators Talmadge, Shinpoch and Clarke (by Washington State Patrol request):

AN ACT Relating to traffic laws; and amending section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 8, chapter 148, Laws of 1980 and RCW 10.31.100.

Referred to Judiciary Committee.

SENATE BILL NO. 3307, by Senators Talmadge, Hayner, Bottiger, Wojahn, Clarke, Shinpoch, Bauer, Talley, Hughes, Hemstad, Pullen, Newhouse and Zimmerman (by Gambling Commission request):

AN ACT Relating to the control of gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 76, Laws of 1977 ex. sess. and by section 1, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 165, Laws of 1977 ex. sess. and by section 2, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 76, Laws of 1977 ex. sess. and by section 3, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.080; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 198, Laws of 1977 ex. sess. and RCW 9.46.110; amending section 13, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.130; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.230; creating new sections; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3308, by Senators Woody, Quigg, Shinpoch, McCaslin, Moore and Hansen:

AN ACT Relating to city and county planning; amending section 35.63.080, chapter 7, Laws of 1965 as amended by section 4, chapter 170, Laws of 1979 ex.

sess. and RCW 35.63.080; amending section 35A.63.100, chapter 119, Laws of 1967 ex. sess. as amended by section 8, chapter 170, Laws of 1979 ex. sess. and RCW 35A.63.100; and amending section 36.70.330, chapter 4, Laws of 1963 and RCW 36.70.330.

Referred to Committee on Local Government.

SENATE BILL NO. 3309, by Senators Moore, Guess, Talmadge, Jones and Vognild:

AN ACT Relating to special immunities; and adding a new section to chapter 4.24 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3310, by Senators Gould, Williams and Fuller:

AN ACT Relating to energy-related building standards; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; amending section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075; repealing sections 1 through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200 through 19.27.290; repealing section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300; repealing section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3311, by Senator Charnley:

AN ACT Relating to the taxation of inventories; amending section 2, chapter 169, Laws of 1974 ex. sess. as amended by section 8, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.442; amending section 8, chapter 169, Laws of 1974 ex. sess. as amended by section 17, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36-.470; amending section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405; adding a new section to chapter 84.36 RCW; and repealing section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3312, by Senators Metcalf, Newhouse, Bottiger and Lee:

AN ACT Relating to taxation; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3313, by Senators Moore, Vognild, Talmadge, Hughes, McCaslin, Newhouse, Benitz and Deccio:

AN ACT Relating to securities and investments; and amending section 24, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.340.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3314, by Senators Goltz, Rasmussen and Talmadge:

AN ACT Relating to sanitarians; adding new sections to chapter 18.90 RCW; repealing section 1, chapter 200, Laws of 1959 and RCW 18.90.010; repealing section 2, chapter 200, Laws of 1959, section 5, chapter 188, Laws of 1967, section 52, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.90.020; repealing section 3, chapter 200, Laws of 1959 and RCW 18.90.030; repealing section 4, chapter 200, Laws of 1959, section 19, chapter 266, Laws of 1971 ex. sess., section 80, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.040; repealing section 5, chapter 200, Laws of 1959, section 81, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90-.050; repealing section 6, chapter 200, Laws of 1959 and RCW 18.90.060; repealing section 7, chapter 200, Laws of 1959 and RCW 18.90.070; repealing section 8, chapter 200, Laws of 1959 and RCW 18.90.900; repealing section 18, chapter 99, Laws of 1979 and RCW 43.131.183; repealing section 60, chapter 99, Laws of 1979

and RCW 43.131.184; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3315, by Senators Goltz and Patterson:

AN ACT Relating to education; amending section 4, chapter 188, Laws of 1979 ex. sess. as amended by section 1, chapter 82, Laws of 1980 and RCW 28B-.05.040; amending section 14, chapter 75, Laws of 1923 as last amended by section 13, chapter 158, Laws of 1979 and RCW 18.15.090; amending section 4, chapter 180, Laws of 1951 as last amended by section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070; creating new sections; adding a new section to chapter 18.15 RCW; and adding a new section to chapter 18.18 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3316, by Senators Talmadge, Hemstad and Woody:

AN ACT Relating to attorneys and malpractice self-insurance; amending section .01.05, chapter 79, Laws of 1947 as last amended by section 13, chapter 256, Laws of 1979 ex. sess. and RCW 48.01.050; and amending section 2, chapter 265, Laws of 1971 ex. sess. as amended by section 2, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3317, by Senators Craswell, Rasmussen, Talmadge, Woody, Benitz, Conner and Lee:

AN ACT Relating to estate taxes; and adding a new chapter to Title 83 RCW. Referred to Committee on Ways and Means.

SENATE BILL NO. 3318, by Senators Patterson, Wilson, Fuller and Charnley:

AN ACT Relating to revenue and taxation; amending section 9, chapter 236, Laws of 1967 as last amended by section 3, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.160; and amending section 14, chapter 236, Laws of 1967 as last amended by section 5, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.210.

Referred to Committee on Local Government:

SENATE BILL NO. 3319, by Senators Goltz, Patterson and Charnley:

AN ACT Relating to institutions of higher education and the foreign student scholarship program therein; repealing section 17, chapter 99, Laws of 1979 and RCW 43.131.181; and repealing section 59, chapter 99, Laws of 1979 and RCW 43.131.182.

Referred to Committee on Higher Education.

SENATE BILL NO. 3320, by Senators Clarke, Wojahn and Sellar:

AN ACT Relating to mutual savings banks; and adding a new chapter to Title 32 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3321, by Senators Goltz, Newhouse and Hansen:

AN ACT Relating to public employees' collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3322, by Senator Gould:

AN ACT Relating to financing joint operating agencies.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3323, by Senator Gould:

AN ACT Relating to contracts of joint operating agencies.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3324, by Senator Williams:

AN ACT Relating to financing joint operating agencies.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3325, by Senator Williams:

AN ACT Relating to contracts of joint operating agencies.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3326, by Senators Hemstad and Conner:

AN ACT Relating to port districts; and amending section 5, chapter 348, Laws of 1955 as amended by section 1, chapter 13, Laws of 1974 ex. sess. and RCW 53.36.010.

Referred to Committee on Local Government.

SENATE BILL NO. 3327, by Senators Gaspard, Wojahn, Clarke, Sellar, Bauer and Charnley:

AN ACT Relating to mutual savings banks; amending section 32.04.060, chapter 13, Laws of 1955 as amended by section 1, chapter 171, Laws of 1977 ex. sess. and RCW 32.04.060; amending section 32.08.140, chapter 13, Laws of 1955 as last amended by section 1, chapter 104, Laws of 1977 ex. sess. and RCW 32.08.140; amending section 32.08.150, chapter 13, Laws of 1955 as last amended by section 1, chapter 51, Laws of 1979 and RCW 32.08.150; amending section 32.20.280, chapter 13, Laws of 1955 as last amended by section 6, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.280; amending section 15, chapter 55, Laws of 1969 and RCW 32.20.285; amending section 16, chapter 176, Laws of 1963 and RCW 32.20.380; amending section 18, chapter 176, Laws of 1963 as last amended by section 6, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.400; amending section 19, chapter 176, Laws of 1963 as last amended by section 7, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.410; amending section 2, chapter 31, Laws of 1973 1st ex. sess. as amended by section 9, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.460; adding new sections to chapter 13, Laws of 1955 and to chapters 32.08 and 32.20 RCW; repealing section 15, chapter 176, Laws of 1963 and RCW 32.20.235; repealing section 32.20.250, chapter 13, Laws of 1955, section 5, chapter 80, Laws of 1955, section 4, chapter 41, Laws of 1959, section 4, chapter 80, Laws of 1961, section 7, chapter 176, Laws of 1963, section 6, chapter 145, Laws of 1967, section 6, chapter 55, Laws of 1969, section 3, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.250; repealing section 16, chapter 55, Laws of 1969, section 8, chapter 222, Laws of 1971 ex. sess., section 4, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.255; repealing section 32.20.260, chapter 13, Laws of 1955, section 5, chapter 80, Laws of 1961, section 8, chapter 176, Laws of 1963 and RCW 32.20.260; repealing section 32.20.270, chapter 13, Laws of 1955, section 5, chapter 41, Laws of 1959, section 6, chapter 80, Laws of 1961, section 9, chapter 176, Laws of 1963, section 7, chapter 145, Laws of 1967, section 5, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.270; repealing section 32.20.275, chapter 13, Laws of 1955, section 7, chapter 80, Laws of 1961 and RCW 32.20.275; repealing section 11, chapter 145, Laws of 1967, section 11, chapter 55, Laws of 1969, section 8, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.420; and repealing section 5, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.490.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3328, by Senators Fleming, Jones, Bottiger, Hayner, Talley, Peterson, Sellar, Shinpoch and Clarke:

AN ACT Relating to legislative facilities; amending section 1, chapter 11, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.120; amending section 43.19.125, chapter 8, Laws of 1965 and RCW 43.19.125; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 45, chapter 141, Laws of 1979 and RCW 43.19.450; amending section 1, chapter 272, Laws of 1969 ex. sess. and RCW

79.24.650; adding a new chapter to Title 44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3329, by Senator Conner:

AN ACT Relating to dental assistants; adding a new chapter to Title 18 RCW; providing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3330, by Senators Rasmussen, Hemstad, Gallagher and Wojahn:

AN ACT Relating to state officers and employees; and amending section 43.01.040, chapter 8, Laws of 1965 as amended by section 1, chapter 13, Laws of 1965 ex. sess. and RCW 43.01.040.

Referred to Committee on State Government.

SENATE BILL NO. 3331, by Senators Moore, Lysen, Hansen, Fuller, Lee, Guess and Haley:

AN ACT Relating to the search assistance for employment program; adding a new chapter to Title 50 RCW; repealing section 4, chapter 14, Laws of 1969 and RCW 74.22.040; and repealing section 5, chapter 14, Laws of 1969, section 373, chapter 141, Laws of 1979 and RCW 74.22.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3332, by Senators Talley and Sellar:

AN ACT Relating to physical therapy; amending section 1, chapter 239, Laws of 1949 as amended by section 1, chapter 64, Laws of 1961 and RCW 18.74.010; amending section 2, chapter 239, Laws of 1949 as last amended by section 62, chapter 158, Laws of 1979 and RCW 18.74.020; amending section 3, chapter 239, Laws of 1949 as amended by section 2, chapter 64, Laws of 1961 and RCW 18.74.030; amending section 3, chapter 64, Laws of 1961 and RCW 18.74.035; amending section 5, chapter 239, Laws of 1949 as last amended by section 65, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as last amended by section 66, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 67, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.74.070; amending section 8, chapter 239, Laws of 1949 as amended by section 7, chapter 64, Laws of 1961 and RCW 18.74.080; amending section 9, chapter 239, Laws of 1949 as amended by section 8, chapter 64, Laws of 1961 and RCW 18.74.090; amending section 12, chapter 239, Laws of 1949 as last amended by section 63, chapter 158, Laws of 1979 and RCW 18.74.120; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3333, by Senators Vognild, Ridder, Williams, Fleming, McDermott, Talmadge, Moore, McCaslin and Deccio:

AN ACT Relating to the investment of state funds; adding a new section to chapter 43.84 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 104, by Senators Moore, Haley, Talmadge, Woody, Bauer, Lee and Newhouse:

Introducing more extensive physical work programs in state prisons.

Referred to Committee on Social and Health Services.

MOTIONS

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Senate Bill No. 3302.

On motion of Senator Wilson, Senate Bill No. 3302 was rereferred to the Committee on Energy and Utilities.

On motion of Senator Talmadge, the Judiciary Committee was relieved from further consideration of Senate Bill No. 3307.

On motion of Senator Talmadge, Senate Bill No. 3307 was rereferred to the Committee on Commerce and Labor.

PERSONAL PRIVILEGE

Senator Bluechel: "Mr. President, members of the Senate. On behalf of the Republican caucus, I would like to thank Senator Bottiger and the Democratic caucus for the cooperation in making the McNeil Island trip a success. Twenty members of this body attended, and I think that all of us who attended learned quite a bit."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Bluechel, thank you for those kind words, but I will have to admit there was an ulterior motive. I thought they were going to keep you."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Well, Senator Bottiger, we thought maybe the bus would leave early from the island and a couple of Democrats might be left."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, speaking to the comments by Senator Bluechel, I had a little something different in mind for Senator Bottiger: I felt as though that I would not wish that on anybody, even the people at McNeil, to keep him. But I was thinking that we might have something that was a little less harmful, and someone would holler 'Man Overboard.'"

MOTION

At 9:40 a.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, January 30, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 30, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Wojahn. On motion of Senator Shinpoch, Senator Wojahn was excused.

The Color Guard, consisting of Pages Kari Zimmerman and Darin Weymouth, presented the Colors. Reverend Lester G. Olsen, senior pastor of Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1981.

SENATE BILL NO. 3039, modifying the exemption for alcohol to be used in certain equipment and implements (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3042, expanding the authorization for satellite facilities of financial institutions (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3059, authorizing the financing of energy conservation projects (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Deccio, Gaspard, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 27, 1981.

SENATE BILL NO. 3064, prohibiting abandoning junk vehicles in public parking lots (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3064 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Guess, Kiskaddon, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 22, 1981.

SENATE BILL NO. 3075, authorizing the investment of water and sewer district funds in interest-bearing demand accounts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3075 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3098, permitting fare adjustments on public transportation facilities for distinguishable classes of users (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Lysen, Metcalf, Patterson, Peterson, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3102, adding motor vehicle offenses used to define the habitual offender (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Hemstad, Hughes, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3136, including certain agriculture-related investments under the economic assistance act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Deccio, Gaspard, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3156, considering renewable energy systems in the design of public buildings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, McCaslin, Quigg.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3157, authorizing revenue bonds for cities and towns for energy conservation (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, Lysen, McCaslin, Moore, Quigg, Wilson.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3183, revising laws relating to proceedings after judgments against debtors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Clarke, Hemstad, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

January 22, 1981.

SENATE BILL NO. 3189, modifying procedures for dependent children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Hughes, Newhouse, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3233, revising vehicle accident reporting procedure (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Charnley, Conner, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Conner.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3234, revising vehicle accident reporting procedures (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 28, 1981.

Mr. President: The Speaker has signed: HOUSE BILL NO. 104, and the same is herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 104.

MESSAGE FROM THE SECRETARY OF STATE

VETO AND PARTIAL VETO MESSAGES FROM GOVERNOR DIXY LEE RAY

DEPARTMENT OF STATE OFFICE OF THE SECRETARY

January 12, 1981.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,
THE LEGISLATURE OF THE STATE OF WASHINGTON,
OLYMPIA, WASHINGTON.

MR. PRESIDENT:

We herewith respectfully transmit for your consideration the following sections of bills partially vetoed by the governor, together with copies of the official veto

messages of the governor setting forth her objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Section 1, beginning with the word "and" on page 1, line 22 and continuing through line 27 on page 1 of Substitute Senate Bill No. 3207, the remainder of which has been designated Chapter 183, Laws of 1980.

Sections 1, 2, and 3 of Substitute Senate Bill No. 3636, the remainder of which has been designated Chapter 184, Laws of 1980.

Sections 1 and 2 of Substitute Senate Bill No. 3509, the remainder of which has been designated Chapter 185, Laws of 1980.

Sections 1 through 9 and 16 through 22 of Senate Bill No. 3240, the remainder of which has been designated Chapter 186, Laws of 1980.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D. 1981.

BRUCE K. CHAPMAN
Secretary of State.

(Seal of the State of Washington.)

DEPARTMENT OF STATE
OFFICE OF THE SECRETARY

January 12, 1981.

TO THE HONORABLE, THE PRESIDENT OF THE SENATE,
THE LEGISLATURE OF THE STATE OF WASHINGTON,
OLYMPIA, WASHINGTON.

MR. PRESIDENT:

We herewith respectfully transmit Substitute Senate Bill No. 2977, vetoed by the governor, together with the official veto message setting forth her objection to the bill as provided by Article III, Section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D. 1981.

BRUCE K. CHAPMAN
Secretary of State

(Seal of the State of Washington)

MOTION

On motion of Senator Shinpoch, the Messages from the Secretary of State were referred to the Committee on Rules.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3334, by Senators Gaspard and Bauer (by Superintendent of Public Instruction request):

AN ACT Relating to education; and amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.170.

Referred to Committee on Education.

SENATE BILL NO. 3335, by Senators Sellar, Wojahn and McDermott:

AN ACT Relating to health; and adding a new section to chapter 18.53 RCW. Referred to Committee on Social and Health Services.

SENATE BILL NO. 3336, by Senator Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to certification of personnel employed in schools; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.140; amending section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160; amending section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 138, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.170; amending section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3337, by Senator Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 1, chapter 66, Laws of 1975 1st ex. sess. as amended by section 1, chapter 50, Laws of 1977 and RCW 28A.58-.242; amending section 4, chapter 277, Laws of 1969 ex. sess. as last amended by section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3338, by Senator McDermott (by Superintendent of Public Instruction request):

AN ACT Relating to minimum guarantee to school districts for 1974-75 school year; and repealing section 2, chapter 89, Laws of 1974 ex. sess. and RCW 28A.41.220.

Referred to Committee on Education.

SENATE BILL NO. 3339, by Senator Pullen:

AN ACT Relating to trailers; and adding a new section to chapter 46.12 RCW. Referred to Committee on Transportation.

SENATE BILL NO. 3340, by Senator Conner:

AN ACT Relating to energy and resource savings through conservation; amending section 1, chapter 133, Laws of 1969 ex. sess. as amended by section 2, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.320; and adding new sections to chapter 78.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3341, by Senators Vognild, Sellar and Talley:

AN ACT Relating to fireworks; amending section 2, chapter 228, Laws of 1961 and RCW 70.77.125; amending section 3, chapter 228, Laws of 1961 and RCW 70.77.130; amending section 4, chapter 228, Laws of 1961 and RCW 70.77.135; amending section 5, chapter 228, Laws of 1961 and RCW 70.77.140; amending section 27, chapter 228, Laws of 1961 and RCW 70.77.250; amending section 32, chapter 228, Laws of 1961 and RCW 70.77.275; amending section 34, chapter 228, Laws of 1961 and RCW 70.77.285; amending section 37, chapter 228, Laws of 1961 and RCW 70.77.300; amending section 40, chapter 228, Laws of 1961 and RCW 70.77.315; amending section 64, chapter 228, Laws of 1961 and RCW 70.77.435; repealing section 7, chapter 228, Laws of 1961 and RCW 70.77.150; repealing section 8, chapter 228, Laws of 1961 and RCW 70.77.155; repealing section 26, chapter 228, Laws of 1961 and RCW 70.77.245; repealing section 47, chapter 228, Laws of 1961 and RCW 70.77.350; repealing section 53, chapter 228, Laws of 1961 and RCW 70.77.380; repealing section 54, chapter 228, Laws of 1961 and RCW 70.77-.385; repealing section 55, chapter 228, Laws of 1961 and RCW 70.77.390; repealing section 57, chapter 228, Laws of 1961 and RCW 70.77.400; repealing section

71, chapter 228, Laws of 1961 and RCW 70.77.470; repealing section 72, chapter 228, Laws of 1961 and RCW 70.77.475; repealing section 75, chapter 228, Laws of 1961 and RCW 70.77.490; repealing section 89, chapter 228, Laws of 1961 and RCW 70.77.560; and repealing section 90, chapter 228, Laws of 1961 and RCW 70.77.900.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3342, by Senators Fleming, Talmadge, Ridder, McDermott, Bottiger, Scott, Bluechel, Jones and Charnley:

AN ACT Relating to malicious harassment; adding a new section to chapter 9A.36 RCW; defining crimes; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3343, by Senators Hurley, Quigg and Rasmussen:

AN ACT Relating to the interagency committee for outdoor recreation; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 13, chapter 5, Laws of 1965 as amended by section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130; repealing section 19, chapter 99, Laws of 1979 and RCW 43.131.185; and repealing section 61, chapter 99, Laws of 1979 and RCW 43.131.186; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3344, by Senators McDermott, Scott, Gaspard, Kiskaddon, Goltz, Wojahn, Bauer, Zimmerman and Fleming:

AN ACT Relating to facilities for the handicapped; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3345, by Senator Conner:

AN ACT Relating to the naming of a state animal; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3346, by Senators Conner, Moore, Bauer, Quigg and Pullen:

AN ACT Relating to health care; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3347, by Senators Charnley, Goltz and Patterson:

AN ACT Relating to institutions of higher education; amending section 28B.10.200, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 62, Laws of 1973 and RCW 28B.10.200; amending section 28B.10.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.210; amending section 28B.10.250, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 62, Laws of 1973 and RCW 28B.10.250; amending section 2, chapter 17, Laws of 1972 ex. sess. as amended by section 2, chapter 63, Laws of 1973 and RCW 28B.10.265; amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 148, Laws of 1979 ex. sess. and RCW 28B.15.520; amending section 10, chapter 59, Laws of 1970 ex. sess. as amended by section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525; amending section 11, chapter 279, Laws of 1971 ex. sess. as amended by section 39, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.530; amending section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 1, chapter 83, Laws of 1979 ex. sess. and RCW 28B.15.620; amending section 1, chapter 262, Laws of 1979 ex. sess. as amended by section 1, chapter 62, Laws of 1980 and RCW 28B.15.740; amending section 4, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.744; creating new sections; adding a new section to

chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.10.215, chapter 223, Laws of 1969 ex. sess., section 1, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.215; repealing section 28B.10.220, chapter 223, Laws of 1969 ex. sess., section 2, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.220; repealing section 28B.10.255, chapter 223, Laws of 1969 ex. sess., section 3, chapter 68, Laws of 1974 ex. sess. and RCW 28B.10.255; repealing section 28B.10.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.260; repealing section 28B.15.380, chapter 223, Laws of 1969 ex. sess., section 8, chapter 269, Laws of 1969 ex. sess., section 8, chapter 279, Laws of 1971 ex. sess., section 1, chapter 191, Laws of 1973 1st ex. sess., section 37, chapter 169, Laws of 1977 ex. sess., section 10, chapter 322, Laws of 1977 ex. sess., section 1, chapter 82, Laws of 1979 and RCW 28B.15.380; repealing section 9, chapter 59, Laws of 1970 ex. sess., section 13, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.523; repealing section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.742; repealing section 59, chapter 169, Laws of 1977 ex. sess., section 12, chapter 322, Laws of 1977 ex. sess. and RCW 28B.35.361; and repealing section 9, chapter 269, Laws of 1969 ex. sess., section 16, chapter 279, Laws of 1971 ex. sess., section 3, chapter 191, Laws of 1973 1st ex. sess., section 78, chapter 169, Laws of 1977 ex. sess., section 11, chapter 322, Laws of 1977 ex. sess. and RCW 28B.40.361.

Referred to Committee on Higher Education.

SENATE BILL NO. 3348, by Senators Charnley, Goltz and Scott:

AN ACT Relating to institutions of higher education; amending section 1, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.011; amending section 2, chapter 273, Laws of 1971 ex. sess. as amended by section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012; amending section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.014; and repealing section 3, chapter 273, Laws of 1971 ex. sess., section 2, chapter 149, Laws of 1972 ex. sess., section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013.

Referred to Committee on Higher Education.

SENATE BILL NO. 3349, by Senator Bottiger:

AN ACT Relating to energy and utilities; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3350, by Senators Vognild, Bottiger, Wojahn, Talmadge and Hughes:

AN ACT Relating to public employee collective bargaining; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; and amending section 5, chapter 152, Laws of 1977 ex. sess. as last amended by section 2, chapter 11, Laws of 1980 and RCW 41.06.167.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3351, by Senators Gaspard, Kiskaddon and Bauer:

AN ACT Relating to educational service districts; and amending section 11, chapter 282, Laws of 1971 ex. sess. as last amended by section 1, chapter 66, Laws of 1979 ex. sess. and RCW 28A.21.086.

Referred to Committee on Education.

SENATE BILL NO. 3352, by Senators Kiskaddon and Gaspard:

AN ACT Relating to reports on school district maintenance of adequate resource services; and repealing section 2, chapter 127, Laws of 1975 1st ex. sess. and RCW 28A.03.095.

Referred to Committee on Education.

SENATE BILL NO. 3353, by Senators Vognild, Talley and Clarke (by Insurance Commissioner request):

AN ACT Relating to transient accommodations; and amending section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3354, by Senators Kiskaddon and Gaspard:

AN ACT Relating to student financial assistance programs; repealing section 1, chapter 81, Laws of 1973 and RCW 28A.04.137; repealing section 2, chapter 81, Laws of 1973 and RCW 28A.58.700; repealing section 3, chapter 81, Laws of 1973 and RCW 28A.58.701; repealing section 4, chapter 81, Laws of 1973 and RCW 28A.58.703; repealing section 5, chapter 81, Laws of 1973 and RCW 28A.58.704; repealing section 6, chapter 81, Laws of 1973 and RCW 28A.58.706; repealing section 7, chapter 81, Laws of 1973 and RCW 28A.58.707; and repealing sections 8 and 9, chapter 81, Laws of 1973 (uncodified).

Referred to Committee on Education.

SENATE BILL NO. 3355, by Senators Hansen, Deccio, Gaspard, Wilson and Jones (by Department of Agriculture request):

AN ACT Relating to activities regulated by the state department of agriculture or the director thereof; amending section 15.04.020, chapter 11, Laws of 1961 as amended by section 7, chapter 75, Laws of 1977 and RCW 15.04.020; amending section 15.04.030, chapter 11, Laws of 1961 and RCW 15.04.030; amending section 15.04.070, chapter 11, Laws of 1961 and RCW 15.04.070; amending section 15.08.010, chapter 11, Laws of 1961 and RCW 15.08.010; amending section 2, chapter 27, Laws of 1965 and RCW 15.08.025; amending section 15.08.230, chapter 11, Laws of 1961 and RCW 15.08.230; amending section 15.60.030, chapter 11, Laws of 1961 as last amended by section 3, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 as amended by section 4, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.040; amending section 9, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.043; amending section 15.60.100, chapter 11, Laws of 1961 as amended by section 7, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.100; amending section 15.60.120, chapter 11, Laws of 1961 and RCW 15.60.120; amending section 15.60.140, chapter 11, Laws of 1961 and RCW 15.60.140; amending section 5, chapter 22, Laws of 1957 and RCW 16.36.110; amending section 1, chapter 54, Laws of 1959 as last amended by section 17, chapter 154, Laws of 1979 and RCW 16.57.010; amending section 16, chapter 54, Laws of 1959 as amended by section 4, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.160; amending section 22, chapter 54, Laws of 1959 as last amended by section 5, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.220; amending section 24, chapter 54, Laws of 1959 and RCW 16.57.240; amending section 26, chapter 54, Laws of 1959 and RCW 16.57.260; amending section 29, chapter 54, Laws of 1959 as last amended by section 18, chapter 154, Laws of 1979 and RCW 16.57.290; amending section 30, chapter 54, Laws of 1959 and RCW 16.57.300; amending section 1, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.380; amending section 2, chapter 292, Laws of 1927 and RCW 17.24.030; amending section 3, chapter 292, Laws of 1927 and RCW 17.24.035; amending section 7, chapter 292, Laws of 1927 and RCW 17.24.100; amending section 1, chapter 156, Laws of 1947 and RCW 17.24.105; amending section 2, chapter 156, Laws of 1947 as amended by

section 5, chapter 169, Laws of 1977 ex. sess. and RCW 17.24.110; amending section 5, chapter 156, Laws of 1947 and RCW 17.24.140; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.030; amending section 33, chapter 139, Laws of 1959 as last amended by section 8, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.330; amending section 38, chapter 139, Laws of 1959 as amended by section 4, chapter 232, Laws of 1963 and RCW 20.01.380; creating new sections; adding a new section to chapter 17.24 RCW; repealing section 15.04.050, chapter 11, Laws of 1961 and RCW 15.04.050; repealing section 1, chapter 195, Laws of 1967 and RCW 15.04.130; repealing section 2, chapter 195, Laws of 1967 and RCW 15.04.140; declaring an emergency as to a section hereof; and providing penalties.

Referred to Committee on Agriculture.

SENATE BILL NO. 3356, by Senators Hansen, Deccio and Gaspard:

AN ACT Relating to irrigation districts; amending section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075; and amending section 8, page 675, Laws of 1889-90 and RCW 87.03-.100.

Referred to Committee on Agriculture.

SENATE BILL NO. 3357, by Senators Patterson, Hansen, Guess and Quigg:

AN ACT Relating to motor vehicle license fee revenues; amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.060; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 3, chapter 103, Laws of 1973 and RCW 46.68.030; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1974 ex. sess. and RCW 46.68.130; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3358, by Senators Hansen, Gaspard, Wilson and Jones:

AN ACT Relating to irrigation districts; amending section 24, page 684, Laws of 1889-90 as last amended by section 2, chapter 169, Laws of 1967 and RCW 87.03.270; amending section 25, page 684, Laws of 1889-90 as last amended by section 1, chapter 60, Laws of 1955 and RCW 87.03.310; amending section 26, page 685, Laws of 1889-90 as last amended by section 7, chapter 43, Laws of 1933 and RCW 87.03.315; amending section 2, chapter 58, Laws of 1955 and RCW 87.03-.320; amending section 3, chapter 58, Laws of 1955 and RCW 87.03.325; amending section 4, chapter 58, Laws of 1955 and RCW 87.03.330; amending section 28, page 686, Laws of 1889-90 as last amended by section 10, chapter 43, Laws of 1933 and RCW 87.03.335; amending section 3, chapter 172, Laws of 1941 and RCW 87.03-.350; amending section 29, page 687, Laws of 1889-90 as last amended by section 5, chapter 58, Laws of 1955 and RCW 87.03.355; amending section 6, chapter 171, Laws of 1939 and RCW 87.03.360; amending section 30, page 687, Laws of 1889-90 as last amended by section 1, chapter 131, Laws of 1945 and RCW 87.03.370; amending section 1, chapter 194, Laws of 1933 and RCW 87.03.375; amending section 2, chapter 194, Laws of 1933 as amended by section 1, chapter 171, Laws of 1939 and RCW 87.03.380; amending section 3, chapter 194, Laws of 1933 and RCW 87.03.385; amending section 4, chapter 194, Laws of 1933 and RCW 87.03-.390; repealing section 8, chapter 171, Laws of 1939 and RCW 87.03.365; and providing an effective date.

Referred to Committee on Agriculture.

SENATE BILL NO. 3359, by Senators Patterson, Hansen, Guess and Lee:

AN ACT Relating to the ferry system; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; adding new sections to chapter 41.06 RCW; adding a new section to chapter 47.60 RCW; repealing section 29, chapter 1, Laws of 1961 and RCW 41.06.290; repealing section 47.64.005, chapter 13, Laws of 1961 and RCW 47.64.005; repealing section 47.64.010, chapter 13, Laws of 1961, section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; repealing section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030; repealing section 47.64.040, chapter 13, Laws of 1961, section 35, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; repealing section 47.64.060, chapter 13, Laws of 1961 and RCW 47.64.060; repealing section 47.64.070, chapter 13, Laws of 1961 and RCW 47.64.070; repealing section 47.64.080, chapter 13, Laws of 1961 and RCW 47.64.080; repealing section 47.64.090, chapter 13, Laws of 1961 and RCW 47.64.090; repealing section 47.65.060, chapter 13, Laws of 1961 and RCW 47.65.060; repealing section 47.65.080, chapter 13, Laws of 1961 and RCW 47.65.080; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3360, by Senators Patterson, Charnley and Zimmerman:

AN ACT Relating to park and recreation service areas; amending section 1, chapter 218, Laws of 1963 as amended by section 1, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.400; amending section 2, chapter 218, Laws of 1963 as amended by section 2, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.410; amending section 3, chapter 218, Laws of 1963 and RCW 36.68.420; amending section 5, chapter 218, Laws of 1963 and RCW 36.68.440; amending section 6, chapter 218, Laws of 1963 and RCW 36.68.450; amending section 8, chapter 218, Laws of 1963 and RCW 36.68.470; amending section 9, chapter 218, Laws of 1963 as amended by section 38, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.480; amending section 10, chapter 218, Laws of 1963 and RCW 36.68.490; amending section 11, chapter 218, Laws of 1963 and RCW 36.68.500; amending section 13, chapter 218, Laws of 1963 as last amended by section 39, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.520; amending section 14, chapter 218, Laws of 1963 and RCW 36.68.530; amending section 16, chapter 218, Laws of 1963 and RCW 36.68.550; amending section 17, chapter 218, Laws of 1963 and RCW 36.68.560; amending section 18, chapter 218, Laws of 1963 and RCW 36.68.570; amending section 19, chapter 218, Laws of 1963 and RCW 36.68.580; amending section 21, chapter 218, Laws of 1963 and RCW 36.68.600; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.052; adding a new section to chapter 36.68 RCW; repealing section 15, chapter 218, Laws of 1963 and RCW 36.68.540; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3361, by Senators Fleming and Jones:

AN ACT Relating to port districts; and amending section 2, chapter 348, Laws of 1955 as amended by section 1, chapter 47, Laws of 1975 1st ex. sess. and RCW 53.08.120.

Referred to Committee on Local Government.

SENATE BILL NO. 3362, by Senators Jones and Fleming:

AN ACT Relating to port districts; and amending section 1, page 124, Laws of 1886 as last amended by section 1, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.030.

Referred to Committee on Local Government.

SENATE BILL NO. 3363, by Senators Wilson, Jones, Hansen and Gaspard:

AN ACT Relating to irrigation districts; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3364, by Senators Metcalf, von Reichbauer, Gallagher and Lee:

AN ACT Relating to ferries; and adding a new section to chapter 47.56 RCW. Referred to Committee on Transportation.

SENATE BILL NO. 3365, by Senator Haley:

AN ACT Relating to the University of Washington; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3366, by Senators Goltz and Sellar (by State Fire Marshal request):

AN ACT Relating to arson; amending section 2, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.020; and adding new sections to chapter 48.50 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3367, by Senators Quigg and Bottiger:

AN ACT Relating to underground utilities; and adding a new section to chapter 4.24 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3368, by Senator Haley:

AN ACT Relating to elections; providing for a presidential preference primary; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1980 and RCW 29.13.010; amending section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 3, Laws of 1980 and RCW 29.13.020; and creating a new chapter in Title 29 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3369, by Senators Peterson, Haley and Metcalf:

AN ACT Relating to geographic information; amending section 2, chapter 159, Laws of 1973 1st ex. sess. and RCW 58.22.020; amending section 6, chapter 224, Laws of 1951 as amended by section 25, chapter 271, Laws of 1969 ex. sess. and RCW 58.24.040; and adding a new chapter to Title 58 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3370, by Senators Hurley, Deccio, Bottiger and Hughes:

AN ACT Relating to the rights of infants; and adding a new section to chapter 9.02 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3371, by Senators Haley, Charnley, Vognild, Metcalf, Kiskaddon and Lee:

AN ACT Relating to transportation; adding a new chapter to Title 47 RCW; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 3372, by Senator Newhouse:

AN ACT Relating to fraud in obtaining telephone or telegraph service; amending section 1, chapter 114, Laws of 1955 as last amended by section 1, chapter 42, Laws of 1977 ex. sess. and RCW 9.45.240; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3373, by Senators Moore and Haley:

AN ACT Relating to veterinary medicine, surgery, and dentistry; amending section 1, chapter 71, Laws of 1941 as amended by section 1, chapter 92, Laws of 1959 and RCW 18.92.010; amending section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1979 ex. sess. and RCW 18.92.021; amending section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.030; and amending section 6, chapter 71, Laws of 1941 as last amended by section 72, chapter 158, Laws of 1979 and RCW 18.92.070.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3374, by Senators Moore, Deccio, Talmadge and Haley:

AN ACT Relating to voluntary action; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3375, by Senators Patterson, Peterson, Sellar, Gallagher and Bauer (by Executive request):

AN ACT Relating to driver's licenses; amending section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.161; amending section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 4, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.181; amending section 4, chapter 25, Laws of 1965 as last amended by section 3, chapter 63, Laws of 1979 and RCW 46.68.041; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SENATE JOINT RESOLUTION NO. 113, by Senators Craswell, Hansen, Deccio, Fuller, Conner, Rasmussen, Lee and Guess:

Restricting the growth of state tax revenues.

Referred to Committee on Ways and Means.

MOTION

At 9:21 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 10:15 a.m.

MOTIONS

On motion of Senator Talmadge, the Judiciary Committee was relieved from further consideration of Senate Bill No. 3370.

On motion of Senator Talmadge, Senate Bill No. 3370 was rereferred to the Committee on Social and Health Services.

There being no objection, on motion of Senator Bottiger, the Senate returned to the sixth order of business.

On motion of Senator Talmadge, the Senate commenced consideration of Senate Bill No. 3110.

SECOND READING

SENATE BILL NO. 3110, by Senators Talmadge, Hemstad, Shinpoch, Zimmerman and Deccio:

Providing for reduction of court congestion.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3110 was substituted for Senate Bill No. 3110 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, in studying this bill, I would like to raise with you, the constitutional question and get your answer in regards to having more than one subject in a bill. It would seem to me that the court, many times has ruled on that, that you cannot contain more than one subject. Now I will call your attention to the fact that the first part of the bill calls for a study, and section 3 says, ' . . . the presiding judge of the superior court . . . county shall give full consideration to the recommendations of the judicial council.' But the study provides for reduction in court congestion.

"We are acting on the bill before we even have the study completed, which would be in January 1982. Then we go farther and we issue, provide for the finance committee to issue bonds — that's a different subject; then we provide for the raising of fees in court cases. It would seem to me that we have numerous instances where this bill would be unconstitutional.

"Then the last question would be, generally bond financing is not handled through the judicial committee, judiciary committee, but is handled through the ways and means committee, where we can study the issue. This bill has never gone through the ways and means committee, to my knowledge. I have attended most of the meetings and cannot recall that.

"I would just like your opinion on some of those questions particularly the constitutional one of more than one subject in a bill."

Senator Talmadge: "Senator, I believe Senator Bottiger has had the majority caucus attorney brief the issue of the one subject requirement. But my response will be fairly simple.

"The bill is designed to deal with the problem of court congestion. It is an omnibus court congestion reduction act. It is our belief, and I think it was the belief of the members of the Senate judiciary committee that the issues contained in the bill related to the problem of court congestion, and a method by which that court congestion can be reduced, and the impact on the public of the state of Washington ameliorated.

"I think that is the basic response to your concern, Senator, on a constitutional level, that the bill does relate to the reduction of court congestion in the courts of the state of Washington, and the mechanisms by which we do it are all set forth in that bill. Maybe Senator Bottiger could elucidate you further on the opinion of his caucus attorney."

Senator Rasmussen: "Well, Senator Talmadge, we provide for a study to be completed by January 1982 in relation to court congestion and here we are, racing full speed ahead, not waiting for the study to be completed."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Talmadge is accurate. When the bill was in rules, I asked the caucus attorney to look at that question, because I compliment you, I, at least, raised my inquiry the same as yours. And the caucus attorney concluded, as Senator Talmadge has indicated, that it did not violate that section.

"As far as the study is concerned, the court congestion is there, everybody knows it. I do not think there is any dispute as to delay getting to trial. Your son and I both have to use the same court system and I am sure he could tell you the delays that are occasioned in Pierce county.

"Now the study under the bill asks for other suggestions other than the ones we have already identified."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. I think that Senator Bottiger has more than adequately responded to the concerns raised by Senator Rasmussen. I think, basically, the answer is that the bill does deal entirely with the issue of court congestion."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3110, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Woody—32.

Voting nay: Senators Benitz, Conner, Craswell, Guess, Haley, Hayner, Lee, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman—15.

Absent or not voting: Senator Lysen—1.

Excused: Senator Wojahn—1.

SUBSTITUTE SENATE BILL NO. 3110, 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 Talmadge, the Senate commenced consideration of Senate Bill No. 3115.

SECOND READING

SENATE BILL 3115, by Senators Talmadge, Hemstad and Shinpoch:

Authorizing district court actions on contractors' bonds.

The bill was read the second time by sections.

On motion of Senator Hemstad, the following amendment was adopted:

On page 2, line 7, after "had" insert ": PROVIDED, That no suit upon a contractor's bond may be brought in the small claims department of the district court."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3115 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Shinpoch, Senator Lysen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3115, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lec, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—47.

Excused: Senators Hansen, Wojahn—2.

ENGROSSED SENATE BILL NO. 3115, 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 Talmadge, the Senate commenced consideration of Senate Joint Resolution No. 107.

SECOND READING

SENATE JOINT RESOLUTION NO. 107, by Senators Talmadge, Hemstad and Wojahn:

Authorizing additional court commissioners.

REPORT OF STANDING COMMITTEE

January 15, 1981.

SENATE JOINT RESOLUTION NO. 107, authorizing additional court commissioners, (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "number,))" insert "as provided by law"

Signed by: Senators Talmadge, Chairman; Bottiger, Newhouse, Shinpoch, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 12 after "perform" reinsert the stricken language through "~~perform~~" on line 14.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, as I read this, and I admit that I am not an attorney, this stricken material that this amendment deals with, appears to grant to the court commissioners certain powers. Now you are saying that you want them to have more power, but your striking this language tends to limit their power. Am I reading something incorrectly here? This is a grant of power to them which you are taking away. It seems to me that the amendment is in order but I would appreciate your comments."

Senator Talmadge: "Mr. President and members of the Senate. In response to Senator Metcalf's concern, what we are attempting to do here is simply say that the

legislature shall prescribe what duties the court commissioners may perform. If you look at the language fairly closely I think that is what the language indicates; that we will be the ones who will prescribe what duties the court commissioner shall have.

"The constitution now circumscribes what we can say to the court, that the court commissioner shall do. It limits it to those duties that are performed by a superior court judge in chambers, whatever that means, and nobody knows what that is exactly; to take depositions, and I do not think any judges these days take depositions; and to perform such other business connected with the administration of justice, and so forth.

"I think what we are attempting to do here is simply say that as a matter of public policy, we in the legislature want to be able to prescribe, by statute, what the court commissioners can do. And I think that is what the language is intended to do, Senator."

Senator Metcalf: "Thank you, Mr. President, members of the Senate. It appears to me that the constitution is very clear, 'such other business connected with the administration of justice as may be prescribed by law'; that is the legislature. We do have the power, it seems clear that this amendment is in order and I would urge your support."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I do not like to belabor this but if you will talk to Senators Hayner or Clarke or Hemstad or any of the people that are practicing, you will find that court commissioners are used now, currently, as juvenile court judges; to hear motions; to handle minor domestic relations; cases that do not require a formal trial. They do all of this out in the open and if this means that they cannot do that, then we have been doing it wrong for a whole long period of time.

"We do not know what this means 'duties performed in chambers.' Now Senator Rasmussen mentions that the attorneys, in trying a long suit, will generally get together with the judge to discuss how the trial is going. We do that in chambers. 'How many witnesses are you going to call? What are their names? How long do you think it is going to take? I have a speech I have to give on Tuesday afternoon, or Tuesday lunch, so you can expect to have a three-hour lunch on Tuesday instead of an hour-and-a-half.' That is what happens on those trial conferences at chambers.

"Other than that, if you mean in the judge's office by 'at chambers,' court commissioners cannot do anything. And that is what we are trying to do is clear up that ambiguity. Court commissioners are a tool, they cost about one-sixth of what a superior court judge costs; not just the salary, but all the traffic that goes with a superior court judge. We are trying to cut down the cost and speed up the procedure and we would like to expand what a court commissioner, the number of court commissioners we can have in the larger counties, basically where the real backlogs occur, and to be able to define what these people can do, by statute. We have a section in the constitution that potentially clouds what we can make the definition."

Further debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 1, line 13, after "chamber" insert "subject to revision by such judge."

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 16, after "law" insert "PROVIDED, That court commissioners of the superior court shall not hear any contested matter, civil or criminal, with the exception of juvenile proceedings as prescribed by law"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, line 16, after "law" insert "PROVIDED, That no court commissioner shall ever preside at a trial"

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, you say it is done today and commonly done . . . Is it clearly constitutional what is done today?"

Senator Talmadge: "I think it is."

Senator Pullen moved adoption of the following amendment to the amendment:

On the amendment to page 1, line 16, before "trial" insert "jury"

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment was not adopted.

The motion by Senator Pullen failed and the amendment was not adopted.

On motion of Senator Jones, Senator Deccio was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Joint Resolution No. 107 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, as I read the language that is in the proposed constitutional amendment it says, '. . . such business connected with the administration of justice as may be prescribed by law.' And this would allow court commissioners to do anything that has to do with the administration of justice and is taking all of the constitutional—that is the reason for having a constitution, Senator Talmadge, it is not easily changed. It has to go to the people for a vote.

"When a measure goes to the legislature it only takes a very simple majority to pass it; and that is why we have certain restrictions.

"Now the question related directly, is 'business connected with the administration of justice as may be prescribed by law'—that is wide open, isn't it?"

Senator Talmadge: "No."

Senator Rasmussen: "Give me a definition of what you call 'the administration of justice.'"

Senator Talmadge: "Senator, as I tried to indicate previously, and having studied constitutional law myself, I wanted to indicate earlier that this constitutional amendment operates within the constitutional framework of the state constitution and the federal constitution.

"Senator Pullen's concern earlier about a court commissioner presiding over a criminal case, is simply unfounded because that runs afoul of federal constitutional principles that say that is not due process of law. You have to be a regularly constituted judge in order for that person to sit on a criminal matter. Similarly, there are constitutional restrictions both on the civil side and on the criminal side from someone not elected, not accepted by the parties to the lawsuit, hearing the lawsuit for final resolution. That is why this particular measure is not that heinous as you might believe, Senator, because simply it says such duties as may be prescribed by law

operates within the already-existing constitutional framework, both state and federal.

"I think that the concerns are simply unfounded."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 107, and the resolution passed the Senate by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vogwild, Williams, Wilson, Woody—35.

Voting nay: Senators Benitz, Craswell, Guess, Lee, McCaslin, Metcalf, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman—11.

Excused: Senators Deccio, Lysen, Wojahn—3.

ENGROSSED SENATE JOINT RESOLUTION NO. 107, having received the constitutional two-thirds majority, was declared passed.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we tried to institute a procedure, not a rule, but a procedure whereby the bills would be out on the floor and the calendar would be set two days in advance for as long as we could do it, with the understanding that the amendments would be on the desks twenty-four hours before we considered the calendar, so that each caucus would have the advantage and the understanding, the ability to consider amendments that came up.

"That did not happen today. I would ask that those who want to have an orderly procedure, who wish to legislate from knowledge, comply with that request. I think it would work well and we could proceed. I did not raise any issue, nor did we try to put any amendments on the table but that might not happen next time."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would just like to request of the majority leader, that when there is going to be substantial changes in the order in which the calendar is considered, that he endeavor to give us as much advance notice as possible because sometimes we are not prepared in some things and caught more or less unaware, if you switch around too much."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would like to serve notice on the majority leader at this time that Senator Rasmussen never had any understanding that he would not, at any time, be allowed to offer an amendment to any bill that was under consideration before this body.

"I do not know what understanding Senator Bottiger had with anybody; but when the people send us down here, considering legislation, they expect us to perfect that legislation in the best manner that we can in our own thinking, representing them.

"I would like to point out that the legislation that we receive on the floor, and Senator Clarke just raised the question, also; we jump around considerably, but let me point out what could happen. Senator Bottiger, in agreement with somebody else, has an amendment that he has agreed on. I do not have any knowledge of that

amendment. So because I did not have my amendment in there twenty-four hours before on an amendment that I never knew anything about, the understanding would be we just automatically lay it on the table.

"So I just want to make it very clear that I am not agreeing to any understanding like that and I hope that the rest of this body will continue to represent the people in the manner they expect to be represented when they are sent down here, and that is perfect the legislation, make it the best legislation we can for the people, and that restrictions on amendments as suggested by Senator Bottiger is entirely out of line with what the people expect.

"I would hope you would take that under consideration. I have made it rather broad and pointed but you seem to indicate that there was an understanding. There is no understanding as far as Senator Rasmussen is concerned."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Rasmussen, your message is received.

"In the attempt to legislate accurately with knowledge and with understanding, if the amendment that you would like to offer is put up a little bit ahead of time, then we do not get out onto the floor with amendments which have not been considered in caucus, which the members have not had an opportunity to check with people that may be more knowledgeable in the area. We are not suggesting that you cannot offer amendments—we are just suggesting they not come at the very last minute as has been the practice before.

"It might mean a little extra work, Senator, to look at the calendar and prepare the amendments twenty-four hours ahead of time, but then everybody here legislates from knowledge and not surprise."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would point out that I have been reading these calendars many more years than Senator Bottiger has and I am still caught by surprise by the little bugs that I find in the legislation; and quite frequently, as Senator Bottiger well knows, there are mistakes made in our drafting—the court is testing them all the time and the public is catching them more than we are.

"So the fact that you have read the bill and decided you would like to have an amendment, there is no way that I am going to be able to get it in there twenty-four hours ahead of time. The rules committee does have an advantage. I do not know, I wish you would explain who you had that understanding with. Was that discussed in the rules or what was it? What did go on? Or maybe it was back in the chamber."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I will bite one more time, Senator. This was discussed on the floor and in our caucus at least twice, and individually with members. You do not have to agree, Senator; I would not expect that."

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Just a comment to Senator Rasmussen. I would point out, Senator, this is why, the question you raised today is the reason why I included a change in the Senate rules, if we can do it in one day rather than five days."

MOTION

At 11:41 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Monday, February 2, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 2, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Gould. On motion of Senator Bluechel, Senator Gould was excused.

The Color Guard, consisting of Pages Mike Sandholm and Polly Lysen, presented the Colors. Reverend Stanley J. Workman, pastor of The Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1981.

SENATE BILL NO. 3009, expanding the membership of the horse racing commission (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3020, revising procedures for forms management (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3087, creating the state council on aging (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3087 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 30, 1981.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 42,

HOUSE CONCURRENT RESOLUTION NO. 2, and the same are herewith transmitted.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3376, by Senators Scott, Ridder, Gould, Kiskaddon, Haley and Lee:

AN ACT Relating to day care; adding new sections to chapter 43.20A RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3377, by Senators Hansen, Deccio, Wilson, Gaspard, Newhouse and Sellar:

AN ACT Relating to agricultural cooperative associations; and amending section 22, chapter 115, Laws of 1921 as amended by section 1, chapter 86, Laws of 1979 and RCW 24.32.300.

Referred to Committee on Agriculture.

SENATE BILL NO. 3378, by Senators Talley, Guess, Hansen and Gallagher:

AN ACT Relating to deferred prosecution; and amending section 1, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3379, by Senator Woody:

AN ACT Relating to gambling; and amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 198, Laws of 1977 ex. sess. and RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3380, by Senators Hansen, Deccio, Wilson, Gaspard, Newhouse and Sellar:

AN ACT Relating to cooperative associations; amending section 6, chapter 19, Laws of 1913 as amended by section 2, chapter 34, Laws of 1961 and RCW 23.86-.090; amending section 9, chapter 19, Laws of 1913 and RCW 23.86.120; amending section 2, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.210; amending section 3, chapter 221, Laws of 1971 ex. sess. and RCW 23.86.220; creating new sections; and adding a new section to chapter 23.86 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3381, by Senators Gallagher, Talley and Vognild:

AN ACT Relating to motorcycles; amending section 46.04.330, chapter 12, Laws of 1961 as amended by section 2, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.330; amending section 1, chapter 232, Laws of 1967 as amended by section 6, chapter 213, Laws of 1979 ex. sess. and RCW 46.20.500; amending section 50, chapter 145, Laws of 1967 ex. sess. as amended by section 153, chapter 158, Laws of 1979 and RCW 46.20.505; amending section 49, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.527; amending section 4, chapter 232, Laws of 1967 as last amended by section 55, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.530; amending section 2, chapter 39, Laws of 1963 as last amended by section 195, chapter 158, Laws of 1979 and RCW 46.81.010; amending section 2, chapter 9, Laws of 1970 ex. sess. as last amended by section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030; amending section 7, chapter 39, Laws of 1963 as amended by section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; amending section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.81 RCW; defining crimes; prescribing penalties; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 3382, by Senators Talmadge and Pullen:

AN ACT Relating to government records; enacting the Uniform State Information Practices Code; creating a new chapter in Title 42 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3383, by Senators Deccio, Clarke and Shinpoch (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 269, Laws of 1979 ex. sess. and RCW 48.14.010; amending section .17.12, chapter 79, Laws of 1947 as last amended by section 17, chapter 150, Laws of 1967 and RCW 48.17.120; and amending section .17.13, chapter 79, Laws of 1947 as amended by section 18, chapter 150, Laws of 1967 and RCW 48.17.130.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3384, by Senators Rasmussen, McDermott, Scott, Bauer, Bluechel, Bottiger, Deccio, Fleming, Fuller, Gaspard, Gallagher, Goltz, Hemstad, Hansen, Kiskaddon, Lee, Moore, McCaslin, Peterson, Patterson, Quigg, Talley, Talmadge, von Reichbauer, Zimmerman, Jones, Woody, Vognild, Wojahn and Hughes:

AN ACT Relating to retirement systems; adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3385, by Senators Vognild, Gallagher, Patterson and Haley:

AN ACT Relating to food fish and shellfish; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; adding a new chapter to Title 75 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3386, by Senators Deccio, Hurley, Moore, Craswell, Gallagher, Bauer, Vognild, Sellar, Jones, Hughes, Scott, Woody, Hayner, Lee and Zimmerman:

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; and creating new sections.

Referred to Committee on State Government.

SENATE BILL NO. 3387, by Senators Goltz and Williams:

AN ACT Relating to radioactive waste; creating the Washington radioactive waste storage compact commission; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3388, by Senators Quigg, Talley and Patterson:

AN ACT Relating to county transportation authorities; amending section 1, chapter 167, Laws of 1974 ex. sess. as amended by section 39, chapter 151, Laws of 1979 and RCW 36.57.010; and amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040.

Referred to Committee on Local Government.

SENATE BILL NO. 3389, by Senators Goltz, Haley and Woody:

AN ACT Relating to youth service; amending section 1, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.010; amending section 2, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.020; amending section 3, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.030; amending section 4, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.040; amending section 5, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.050; amending section 6, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.060; amending section 7, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.070; amending section 8, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.080; amending section 9, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.090; amending section 10, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.100; and amending section 11, chapter 83, Laws of 1977 ex. sess. as amended by section 88, chapter 99, Laws of 1979 and RCW 50.48.900.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3390, by Senator Goltz:

AN ACT Relating to parking and business improvement areas; and amending section 1, chapter 45, Laws of 1971 ex. sess. and RCW 35.87A.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3391, by Senators Goltz, Charnley, Ridder and Hayner:

AN ACT Relating to property taxation; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3392, by Senators Moore and Haley:

AN ACT Relating to the practice of medicine; amending section 2, chapter 284, Laws of 1961 as last amended by section 52, chapter 158, Laws of 1979 and RCW 18.71.015; amending section 19, chapter 192, Laws of 1909 as last amended by section 5, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.030; amending and reenacting section 35, chapter 202, Laws of 1955 as amended by section 61, chapter 30, Laws of 1975 1st ex. sess. and by section 6, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.040; amending and reenacting section 36, chapter 202, Laws of 1955 as last amended by section 53, chapter 158, Laws of 1979 and by sections 54 and 55, chapter 158, Laws of 1979 and RCW 18.71.080; amending and reenacting section 11, chapter 134, Laws of 1919 as last amended by section 63, chapter 30, Laws of 1975 1st ex. sess. and by section 12, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.090; amending section 1, chapter 189, Laws of 1959 as last amended by section 13, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.095; amending section 1, chapter 30, Laws of 1971 ex. sess. as amended by section 1, chapter 190, Laws of 1975 1st ex. sess. and RCW 18.71A.010; amending section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 64, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71A.040; amending section 6, chapter

30, Laws of 1971 ex. sess. as amended by section 21, chapter 77, Laws of 1973 and RCW 18.71A.060; amending section 3, chapter 190, Laws of 1975 1st ex. sess. as amended by section 58, chapter 158, Laws of 1979 and RCW 18.71A.070; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3393, by Senator Rasmussen:

AN ACT Relating to drug trafficking; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 103, Laws of 1975-'76 2nd ex. sess. and RCW 69.50.410; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3394, by Senators Goltz, Bottiger and Quigg:

AN ACT Relating to cogeneration facilities; and amending section 5, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.050.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3395, by Senators Bluechel, Craswell, Lee, Quigg, Bottiger and Vognild:

AN ACT Relating to the law against discrimination; and amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3396, by Senators Bluechel, Hayner, Goltz, Lee, Ridder, Gould, Quigg, von Reichbauer, Kiskaddon, Zimmerman, Moore, Gaspard, Haley, Sellar, Jones and Deccio:

AN ACT Relating to juveniles; and amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031.

Referred to Judiciary Committee.

SENATE BILL NO. 3397, by Senators Bluechel, Vognild, Quigg and McCaslin:

AN ACT Relating to zoning; amending section 35A.63.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.150; amending section 36.70.590, chapter 4, Laws of 1963 and RCW 36.70.590; and adding a new section to chapter 35.63 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3398, by Senator McDermott:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

FIRST READING OF HOUSE BILL

ENGROSSED HOUSE BILL NO. 42, by Representatives Tilly, Ellis, Winsley, Gallagher, Valle, Sherman, Patrick, Schmitt, Dawson, Brown, Van Dyken, Stratton, Bond, Taylor, Sanders and Cantu:

Prohibiting the use, possession, and delivery of drug paraphernalia.

Referred to Judiciary Committee.

MOTION

On motion of Senator Vognild, Senate Bill No. 3395 was referred to the Judiciary Committee.

FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Isaacson, Valle, Bond, Sherman and Sanders (by Joint Ad Hoc Committee on Science and Technology request):

Creating a 1981 Joint Ad Hoc Committee on Science and Technology.

MOTIONS

On motion of Senator Goltz, the rules were suspended, House Concurrent Resolution No. 2 was advanced to second reading and placed on the second reading calendar for today.

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

MOTIONS

On motion of Senator Moore, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 3346.

On motion of Senator Moore, Senate Bill No. 3346 was rereferred to the Committee on Social and Health Services.

At 11:28 a.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Wednesday, February 4, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 4, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon and Lysen. On motion of Senator Ridder, Senator Lysen was excused. On motion of Senator Jones, Senator Kiskaddon was excused.

The Color Guard, consisting of Pages Michael Boswell and Kelley Price, presented the Colors. Reverend Stanley J. Workman, pastor of The Evergreen Christian Reformed Church, of Olympia offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1981.

SENATE BILL NO. 3017, deleting references to veterans' loan insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 30, 1981.

SENATE BILL NO. 3140, authorizing the rental of certain city property for gardening (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3158, making changes in the tort law with emphasis on product liability law (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Hughes, Newhouse, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3181, revising compensation for insurance examiners (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 29, 1982.

SENATE BILL NO. 3182, increasing certain fees relating to insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 26, 1981.

SENATE BILL NO. 3190, modifying provisions relating to juvenile offenders (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3190 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Hughes, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3250, requiring surplus line brokers to be residents of this state (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

January 30, 1981.

SENATE BILL NO. 3263, establishing redistricting procedures (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3263 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Moore, Peterson, Ridder.

MINORITY recommendation: Do not pass.

Signed by: Senators Fuller, Gould, Metcalf.

Passed to Committee on Rules for second reading.

February 2, 1982.

SENATE BILL NO. 3319, reviving foreign student scholarship program from extinction under sunset act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Charnley, Chairman; Benitz, Goltz, McDermott, Patterson, Scott.

Passed to Committee on Rules for second reading.

January 30, 1981.

SENATE JOINT RESOLUTION NO. 108, amending the Constitution to establish a redistricting commission (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 108 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Woody, Chairman; Fuller, Gould, Moore, Peterson.

MINORITY recommendation: Do not pass.

Signed by: Senator Metcalf.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 3, 1981.

EDWARD W. SHEETS, to the position of Director of the Washington state Energy Office, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the governor, succeeding Jack O. Wood (reported by the Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, Lysen, McCaslin, Moore, Newhouse, Quigg, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 3, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 207, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 3, 1981.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206,

SUBSTITUTE HOUSE BILL NO. 208,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3399, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to state residential schools; amending section 72.33.180, chapter 28, Laws of 1959 as last amended by section 1, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.180; amending section 3, chapter 141, Laws of 1967 as amended by section 238, chapter 141, Laws of 1979 and RCW 72.33.660; amending section 5, chapter 141, Laws of 1967 as last amended by section 239, chapter 141, Laws of 1979 and RCW 72.33.670; amending section 9, chapter 141, Laws of 1967 as amended by section 242, chapter 141, Laws of 1979 and RCW 72.33.690; amending section 4, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.860; amending section 11.08.111, chapter 145, Laws of 1965 as amended by section 1, chapter 76, Laws of 1973 1st ex. sess. and RCW 11.08.111; repealing section 12, chapter 141, Laws of 1967, section 243, chapter 141, Laws of 1979 and RCW 72.33.700; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3400, by Senators Hayner, Jones, Gould, Quigg and Haley (by Department of Revenue request):

AN ACT Relating to excise taxation; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1971 ex. sess. and RCW 82.32.090; adding a new section to chapter 82.32 RCW; repealing section 82.04.490, chapter 15, Laws of 1961, section 45, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.490; repealing section 82.08.070, chapter 15, Laws of 1961, section 8, chapter 293, Laws of 1961, section 8, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.070; repealing section 82.12.050, chapter 15, Laws of 1961, section 53, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.050; repealing section 82.16.070, chapter 15, Laws of 1961, section 14, chapter 293, Laws of 1961, section 56, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.16.070; repealing section 1,

chapter 70, Laws of 1975-'76 2nd ex. sess. and RCW 82.32.095; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3401, by Senators Jones and Lee (by Department of Revenue request):

AN ACT Relating to insurance premium taxes; amending section .14.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1979 ex. sess. and RCW 48.14.020; amending section .14.06, chapter 79, Laws of 1947 and RCW 48.14.060; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3402, by Senators Hayner, Jones, Lee, Gould and Quigg (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 2, chapter 169, Laws of 1974 ex. sess. as amended by section 8, chapter 196, Laws of 1979 ex. sess. and RCW 82.04.442; amending section 4, chapter 169, Laws of 1974 ex. sess. as amended by section 8, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.443; amending section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3403, by Senators Fuller and Gould (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 1, chapter 218, Laws of 1979 ex. sess. and RCW 84.52.065; amending section 20, chapter 288, Laws of 1971 ex. sess. as last amended by section 2, chapter 218, Laws of 1979 ex. sess. and RCW 84.55-.010; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3404, by Senators Jones, Lee, Fuller, Gallagher, Guess, Deccio, Quigg, Haley and Benitz (by Department of Revenue request):

AN ACT Relating to institutions of higher education; amending section 1, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.060; amending section 7, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.070; amending section 8, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.075; amending section 28B-.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.100; amending section 3, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.201; amending section 28B.15.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.220; amending section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; and creating a new section.

Referred to Committee on Higher Education.

SENATE BILL NO. 3405, by Senators Jones, Gallagher, Hayner and Gould (by Department of Revenue request):

AN ACT Relating to education employment relations; and amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3406, by Senators Jones, Gallagher, Hayner, Gould and Zimmerman (by Department of Revenue request):

AN ACT Relating to public employee's collective bargaining; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; and repealing section 19, chapter 87, Laws of 1980 and RCW 41.56.452.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3407, by Senators Bluechel, Hayner, Craswell, Quigg, Lee, Gallagher, Guess, Benitz, Jones, Haley, Zimmerman and Hansen.

AN ACT Relating to private sector services; amending section 1, chapter 46, Laws of 1979 ex. sess. and RCW 28B.16.240; amending section 2, chapter 46, Laws of 1979 ex. sess. and RCW 41.06.380; and amending section 43.19.1921, chapter 8, Laws of 1965 as amended by section 100, chapter 151, Laws of 1979 and RCW 43.19.1921.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3408, by Senators Benitz, Hansen, Newhouse, Moore, Patterson, von Reichbauer, Deccio, Charnley, Gaspard, Goltz and Haley:

AN ACT Relating to wine and wine grape research and instruction programs; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 166, chapter 151, Laws of 1979 and RCW 66.08.180; adding a new section to chapter 28B.30 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture.

SENATE BILL NO. 3409, by Senators Charnley, Zimmerman, Conner, Haley and Bauer:

AN ACT Relating to park and recreation districts; amending section 36.69-.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.010; amending section 36.69.060, chapter 4, Laws of 1963 and RCW 36.69.060; amending section 36.69.130, chapter 4, Laws of 1963 as last amended by section 2, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.130; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 1, chapter 90, Laws of 1977 ex. sess. and RCW 36.69.140; amending section 84.52-.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.052; adding a new section to chapter 36.69 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3410, by Senators Talmadge, Moore and Quigg (by Department of Social and Health Services request):

AN ACT Relating to mental health; amending section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.050; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070; adding new sections to chapter 71.24 RCW; repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 3, chapter 111, Laws of 1967 ex. sess., section 7, chapter 304, Laws of 1971 ex. sess., section 30, chapter 122, Laws of 1972 ex. sess., section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; repealing section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; repealing section 9, chapter 111, Laws of 1967 ex. sess. and RCW

71.24.090; repealing section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; repealing section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; repealing section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; repealing section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; repealing section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140; repealing section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; repealing section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 20, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.200; repealing section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; repealing section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; repealing section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230; repealing section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; repealing section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; and repealing section 26, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.900; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3411, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to public assistance; and adding new sections to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3412, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to nursing homes; amending section 3, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.007; amending section 2, chapter 117, Laws of 1951 as last amended by section 1, chapter 108, Laws of 1973 1st ex. sess. and RCW 18.51.010; amending section 6, chapter 117, Laws of 1951 as last amended by section 1, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.050; amending section 7, chapter 117, Laws of 1951 as last amended by section 10, chapter 228, Laws of 1979 ex. sess. and RCW 18.51.060; amending section 16, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.065; amending section 4, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.190; amending section 5, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.200; amending section 6, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.210; amending section 11, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.240; amending section 14, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.270; amending section 2, chapter 175, Laws of 1975 1st ex. sess. and RCW 18.51.300; amending section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as amended by section 42, chapter 141, Laws of 1979 and RCW 35A.70.070; amending section 5, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.590; amending section 16, chapter 177, Laws of 1980 and RCW 74.46.160; amending section 46, chapter 177, Laws of 1980 and RCW 74.46.460; amending section 49, chapter 177, Laws of 1980 and RCW 74.46.490; amending section 53, chapter 177, Laws of 1980 and RCW 74.46.530; amending section 94, chapter 177, Laws of 1980 and RCW 74.46.901; amending section 90, chapter 177, Laws of 1980 (uncodified); adding a new section to chapter 18.51 RCW; creating a new section; repealing section 3, chapter 117, Laws of 1951, section 2, chapter 160, Laws of 1953 and RCW 18.51.020; repealing section 15, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.055; providing effective dates; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3413, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 6, chapter 127, Laws of 1967 ex. sess. as last amended by section 133, chapter 81, Laws of 1971 and RCW 71.02.413.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3414, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 2, chapter 155, Laws of 1973 1st ex. sess. and RCW 70.96.160; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; adding new sections to chapter 69.54 RCW; and adding new sections to chapter 70.96 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3415, by Senators McDermott, Moore, Ridder and Gould:

AN ACT Relating to health care contracts; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3416, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 2, chapter 177, Laws of 1980 and RCW 74.46.020; amending section 74.09.010, chapter 26, Laws of 1959 as amended by section 333, chapter 141, Laws of 1979 and RCW 74.09.010; amending section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 344, chapter 141, Laws of 1979 and RCW 74.09.520; adding a new section to chapter 177, Laws of 1980 and to chapter 74.46 RCW; adding new sections to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3417, by Senator Talmadge (by Department of Social and Health Services request):

AN ACT Relating to mentally ill participants in the criminal justice system and sexual offenders; amending section 14, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.765; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.030; amending section 33, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.280; amending section 34, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290; amending section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020; adding new chapters to Title 10 RCW; adding new sections to chapter 10.77 RCW; repealing section 1, chapter 117, Laws of 1973 1st ex. sess., section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.010; repealing section 2, chapter 117, Laws of 1973 1st ex. sess., section 2, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.020; repealing section 3, chapter 117, Laws of 1973 1st ex. sess., section 3, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.030; repealing section 4, chapter 117, Laws of 1973 1st ex. sess., section 4, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.040; repealing section

5, chapter 117, Laws of 1973 1st ex. sess., section 5, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.050; repealing section 6, chapter 117, Laws of 1973 1st ex. sess., section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060; repealing section 7, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.070; repealing section 8, chapter 117, laws of 1973 1st ex. sess., section 7, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.080; repealing section 9, chapter 117, Laws of 1973 1st ex. sess., section 8, chapter 198, Laws of 1974 ex. sess., section 3, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.090; repealing section 10, chapter 117, Laws of 1973 1st ex. sess., section 9, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.100; repealing section 11, chapter 117, Laws of 1973 1st ex. sess., section 10, chapter 198, Laws of 1974 ex. sess., section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110; repealing section 12, chapter 117, Laws of 1973 1st ex. sess., section 11, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.120; repealing section 13, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.130; repealing section 14, chapter 117, Laws of 1973 1st ex. sess., section 12, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.140; repealing section 15, chapter 117, Laws of 1973 1st ex. sess., section 13, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.150; repealing section 16, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.160; repealing section 17, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.170; repealing section 18, chapter 117, Laws of 1973 1st ex. sess., section 14, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.180; repealing section 19, chapter 117, Laws of 1973 1st ex. sess., section 15, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.190; repealing section 20, chapter 117, Laws of 1973 1st ex. sess., section 16, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.200; repealing section 21, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.210; repealing section 22, chapter 117, Laws of 1973 1st ex. sess., section 17, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.220; repealing section 23, chapter 117, Laws of 1973 1st ex. sess., section 18, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.230; repealing section 24, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.240; repealing section 25, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.250; repealing section 26, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.900; repealing section 27, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.910; repealing section 28, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.920; repealing section 30, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.930; repealing section 71.06.010, chapter 25, Laws of 1959, section 1, chapter 65, Laws of 1961, section 65, chapter 292, Laws of 1971 ex. sess., section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; repealing section 71.06.020, chapter 25, Laws of 1959 and RCW 71.06.020; repealing section 71.06.030, chapter 25, Laws of 1959, section 1, chapter 104, Laws of 1967 and RCW 71.06.030; repealing section 71.06.040, chapter 25, Laws of 1959 and RCW 71.06.040; repealing section 71.06.050, chapter 25, Laws of 1959 and RCW 71.06.050; repealing section 71.06.060, chapter 25, Laws of 1959, section 2, chapter 104, Laws of 1967, section 129, chapter 141, Laws of 1979 and RCW 71.06.060; repealing section 71.06.070, chapter 25, Laws of 1959 and RCW 71.06.070; repealing section 71.06.080, chapter 25, Laws of 1959 and RCW 71.06.080; repealing section 3, chapter 104, Laws of 1967, section 130, chapter 141, Laws of 1979 and RCW 71.06.091; repealing section 71.06.100, chapter 25, Laws of 1959, section 4, chapter 104, Laws of 1967, and RCW 71.06.100; repealing section 71.06.120, chapter 25, Laws of 1959 and RCW 71.06.120; repealing section 71.06.130, chapter 25, Laws of 1959, section 5, chapter 104, Laws of 1967 and RCW 71.06.130; repealing section 71.06.140, chapter 25, Laws of 1959, section 6, chapter 104, Laws of 1967, section 131, chapter 141, Laws of 1979 and RCW 71.06.140; repealing section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150; repealing section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160;

repealing section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170; repealing section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180; repealing section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190; repealing section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200; repealing section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210; repealing section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220; repealing section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230; repealing section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240; repealing section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250; repealing section 71.06.260, chapter 25, Laws of 1959, section 132, chapter 141, Laws of 1979 and RCW 71.06.260; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3418, by Senator Moore:

AN ACT Relating to juveniles; and amending section 76, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.220.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3419, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 11, chapter 134, Laws of 1967 as last amended by section 176, chapter 141, Laws of 1979 and RCW 72.04A.090; and amending section 4, chapter 17, Laws of 1967 as amended by section 277, chapter 141, Laws of 1979 and RCW 72.65.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3420, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to state institutions; and amending section 1, chapter 40, Laws of 1959 as amended by section 164, chapter 141, Laws of 1979 and RCW 72.01.370.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3421, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to corrections; and adding a new section to chapter 72.70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3422, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 2, chapter 40, Laws of 1972 ex. sess. as amended by section 3, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.102.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3423, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to criminal procedure; and amending section 76, page 114, Laws of 1854 as last amended by section 1032, Code of 1881 and RCW 10.34.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3424, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to the transfer of convicted felons; and amending section 72.68.050, chapter 28, Laws of 1959 as last amended by section 2, chapter 60, Laws of 1967 and RCW 72.68.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO 3425, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 2, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3426, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to unemployable persons; reenacting and amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 84, Laws of 1980 and by section 1, chapter 174, Laws of 1980 and RCW 74.04.005; repealing section 2, chapter 174, Laws of 1980 and RCW 74.04.001; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3427, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to public assistance; and amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 2, chapter 84, Laws of 1980 and RCW 74.04.300.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3428, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; adding a new section to chapter 43.20 RCW; adding a new section to chapter 70.83 RCW; and adding new sections to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3429, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to long-term care facilities; adding a new chapter to Title 74 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3430, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3431, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 3, chapter 13, Laws of 1965 as last amended by section 26, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3432, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to the department of social and health services; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3433, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 29, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.070.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3434, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to the transfer of convicted offenders; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3435, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to social and health services; and adding a new section to chapter 74.38 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3436, by Senator Talmadge (by Department of Social and Health Services request):

AN ACT Relating to mental illness; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; amending section 71.06.020, chapter 25, Laws of 1959 and RCW 71.06.020; amending section 71.06.030, chapter 25, Laws of 1959 as amended by section 1, chapter 104, Laws of 1967 and RCW 71.06.030; amending section 71.06.040, chapter 25, Laws of 1959 and RCW 71.06.040; amending section 71.06.050, chapter 25, Laws of 1959 and RCW 71.06.050; amending section 71.06.060, chapter 25, Laws of 1959 as last amended by section 129, chapter 141, Laws of 1979 and RCW 71.06.060; amending section 71.06.070, chapter 25, Laws of 1959 and RCW 71.06.070; amending section 71.06.080, chapter 25, Laws of 1959 and RCW 71.06.080; amending section 3, chapter 104, Laws of 1967 as amended by section 130, chapter 141, Laws of 1979 and RCW 71.06.091; amending section 71.06.100, chapter 25, Laws of 1959 as amended by section 4, chapter 104, Laws of 1967 and RCW 71.06.100; amending section 71.06.120, chapter 25, Laws of 1959 and RCW 71.06.120; amending section 71.06.130, chapter 25, Laws of 1959 as amended by section 5, chapter 104, Laws of 1967 and RCW 71.06.130; amending section 71.06.140, chapter 25, Laws of 1959 as last amended by section 131, chapter 141, Laws of 1979 and RCW 71.06.140; amending section 71.06.260, chapter 25, Laws of 1959 as amended by section 132, chapter 141, Laws of 1979 and RCW 71.06.260; repealing section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150; repealing section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160; repealing section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170; repealing section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180; repealing section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190; repealing section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200; repealing section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210; repealing section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220; repealing section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230; repealing section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240; and repealing section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250.

Referred to Judiciary Committee.

SENATE BILL NO. 3437, by Senators Conner, Ridder and Lee:

AN ACT Relating to foster care; amending section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15-.020; adding new sections to chapter 74.15 RCW; creating a new section; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3438, by Senator Talmadge (by Department of Social and Health Services request):

AN ACT Relating to the board of prison terms and paroles; amending section 4, chapter 133, Laws of 1955 and RCW 9.95.030; repealing section 1, chapter 158, Laws of 1929 and RCW 9.95.031; and repealing section 2, chapter 158, Laws of 1929 and RCW 9.95.032.

Referred to Judiciary Committee.

SENATE BILL NO. 3439, by Senator Talley:

AN ACT Relating to traffic courts; and amending section 6, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.040.

Referred to Judiciary Committee.

SENATE BILL NO. 3440, by Senators Talley, Fuller, Bauer, Hansen and Wilson:

AN ACT Relating to costs incurred as a result of the eruptions of Mount St. Helens; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 324, Laws of 1977 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 79, chapter 37, Laws of 1980 and RCW 82.12.020; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3441, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to state government; adding a new chapter to Title 43 RCW; adding a new section to chapter 90.58 RCW; and providing an expiration date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3442, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to shellfish harvesting; amending section 9, chapter 167, Laws of 1961 as last amended by section 12, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.580; adding a new section to chapter 79.01 RCW; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3443, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to shorelines management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3444, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to shorelines management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3445, by Senators Talley, Gallagher and Rasmussen:

AN ACT Relating to shorelines management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3446, by Senators Lee and Zimmerman:

AN ACT Relating to incorporation proceedings for cities and towns; amending section 10, chapter 189, Laws of 1967 and RCW 36.93.100; and amending section 17, chapter 189, Laws of 1967 as amended by section 1, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.170.

Referred to Committee on Local Government.

SENATE BILL NO. 3447, by Senators Gallagher, Rasmussen, Shinpoch, Haley, Conner, Vognild, Fuller, Lee, Patterson, Hansen and Benitz:

AN ACT Relating to state government; amending section 1, chapter 46, Laws of 1965 and RCW 9.41.185; amending section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050; amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170; amending section 3, chapter 68, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.880; amending section 43.51.520, chapter 8, Laws of 1965 as amended by section 2, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.520; amending section 6, chapter 120, Laws of 1967 as amended by section 5, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.675; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 3, chapter 306, Laws of 1977 ex. sess. and RCW 43.51.943; amending section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955; amending section 43.52-.350, chapter 8, Laws of 1965 as amended by section 5, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.350; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 130, chapter 158, Laws of 1979 and RCW 46.09.170; amending section 2, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.220; amending section 7, chapter 144, Laws of 1955 and RCW 69.30.070; amending section 2, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.020; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 1, chapter 216, Laws of 1957 and RCW 75.08.-024; amending section 1, chapter 315, Laws of 1959 and RCW 75.08.027; amending section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; amending section 75.08.150, chapter 12, Laws

of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; amending section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200; amending section 13, chapter 207, Laws of 1953 and RCW 75.08.203; amending section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 75.08.240, chapter 12, Laws of 1955 as amended by section 4, chapter 95, Laws of 1973 and RCW 75.08.240; amending section 75.08.250, chapter 12, Laws of 1955 as amended by section 34, chapter 106, Laws of 1973 and RCW 75.08.250; amending section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010; amending section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115; amending section 3, chapter 234, Laws of 1963 and RCW 75.12.232; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005; amending section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070; amending section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080; amending section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090; amending section 1, chapter 327, Laws of 1977 ex. sess. as amended by section 8, chapter 98, Laws of 1980 and RCW 75.18.100; amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110; amending section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010; amending section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020; amending section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050; amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; amending section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040; amending section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280; amending section 9, chapter 212, Laws of 1955 as amended by section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; amending section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390; amending section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 7, chapter 184, Laws of 1974 ex. sess.

as amended by section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 75.40.040, chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040; amending section 75.40.050, chapter 12, Laws of 1955 as amended by section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 75.98.040, chapter 12, Laws of 1955 as last amended by section 9, chapter 98, Laws of 1980 and RCW 75.98.040; amending section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040; amending section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180; amending section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200; amending section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020; amending section 77.04.030, chapter 36, Laws of 1955 as amended by section 4, chapter 78, Laws of 1980 and RCW 77.04.030; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060; amending section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. as amended by section 11, chapter 78, Laws of 1980 and RCW 77.08.030; amending section 77.12.010, chapter 36, Laws of 1955 as last amended by section 12, chapter 78, Laws of 1980 and RCW 77.12.010; amending section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as last amended by section 14, chapter 78, Laws of 1980 and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as last amended by section 15, chapter 78, Laws of 1980 and RCW 77.12.040; amending section 17, chapter 78, Laws of 1980 and RCW 77.12.055; amending section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090; amending section 22, chapter 78, Laws of 1980 and RCW 77.12.095; amending section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100; amending section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105; amending section 77.12.130, chapter 36, Laws of 1955 as amended by section 27, chapter 78, Laws of 1980 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 29, chapter 78, Laws of 1980 and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 30, chapter 78, Laws of 1980 and RCW 77.12.170; amending section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200; amending section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 as

amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220; amending section 77.12.250, chapter 36, Laws of 1955 as amended by section 42, chapter 78, Laws of 1980 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260; amending section 77.16.230, chapter 36, Laws of 1955 as amended by section 91, chapter 78, Laws of 1980 and RCW 77.12.265; amending section 77.12.270, chapter 36, Laws of 1955 as last amended by section 45, chapter 78, Laws of 1980 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 46, chapter 78, Laws of 1980 and RCW 77.12.280; amending section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300; amending section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320; amending section 2, chapter 207, Laws of 1975 1st ex. sess. as amended by section 51, chapter 78, Laws of 1980 and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 as amended by section 52, chapter 78, Laws of 1980 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 as amended by section 53, chapter 78, Laws of 1980 and RCW 77.12.330; amending section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370; amending section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420; amending section 1, chapter 62, Laws of 1967 as amended by section 62, chapter 78, Laws of 1980 and RCW 77.12.450; amending section 3, chapter 62, Laws of 1967 as amended by section 63, chapter 78, Laws of 1980 and RCW 77.12.470; amending section 4, chapter 62, Laws of 1967 as amended by section 64, chapter 78, Laws of 1980 and RCW 77.12.480; amending section 67, chapter 78, Laws of 1980 and RCW 77.12.530; amending section 77.40.060, chapter 36, Laws of 1955 as amended by section 127, chapter 78, Laws of 1980 and RCW 77.12.560; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570; amending section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580; amending section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590; amending section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010; amending section 77.16.020, chapter 36, Laws of 1955 as last amended by section 70, chapter 78, Laws of 1980 and RCW 77.16.020; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040; amending section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060; amending section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080; amending section 78, chapter 78, Laws of 1980 and RCW 77.16.095; amending section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110; amending section 77.16.120, chapter 36, Laws of 1955 as amended by section 81, chapter 78, Laws of 1980 and RCW 77.16.120; amending section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130; amending section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150; amending section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180; amending section 1, chapter 127, Laws of 1979 ex. sess. as amended by section 125, chapter 78, Laws of 1980 and RCW 77.16.310; amending section 10, chapter 177, Laws of 1963 as last amended

by section 1, chapter 24, Laws of 1980 and RCW 77.20.015; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 103, chapter 78, Laws of 1980 and RCW 77.32.010; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 105, chapter 78, Laws of 1980 and RCW 77.32.020; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 106, chapter 78, Laws of 1980 and RCW 77.32.050; amending section 77.32.070, chapter 36, Laws of 1955 as amended by section 108, chapter 78, Laws of 1980 and RCW 77.32.070; amending section 77.32.090, chapter 36, Laws of 1955 as amended by section 109, chapter 78, Laws of 1980 and RCW 77.32.090; amending section 1, chapter 17, Laws of 1957 as amended by section 104, chapter 78, Laws of 1980 and RCW 77.32.155; amending section 1, chapter 43, Laws of 1977 as amended by section 114, chapter 78, Laws of 1980 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as amended by section 115, chapter 78, Laws of 1980 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as amended by section 116, chapter 78, Laws of 1980 and RCW 77.32.220; amending section 77.32.250, chapter 36, Laws of 1955 as amended by section 120, chapter 78, Laws of 1980 and RCW 77.32.250; amending section 10, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.090; amending section 8, chapter 141, Laws of 1979 ex. sess. and RCW 79.01.570; amending section 144, chapter 255, Laws of 1927 as last amended by section 3, chapter 228, Laws of 1967 and RCW 79.01.576; amending section 41, chapter 271, Laws of 1951 and RCW 79.01.580; amending section 146, chapter 255, Laws of 1927 as amended by section 4, chapter 228, Laws of 1967 and RCW 79.01.584; amending section 2, chapter 387, Laws of 1955 and RCW 79.16.176; amending section 2, chapter 224, Laws of 1929 and RCW 79.20.100; amending section 3, chapter 224, Laws of 1929 as amended by section 1, chapter 76, Laws of 1933 and RCW 79.20.110; amending section 7, chapter 161, Laws of 1977 ex. sess. and RCW 79.72.070; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247; amending section 30, chapter 117, Laws of 1917 as last amended by section 1, chapter 275, Laws of 1953 and RCW 90.03.280; amending section 31, chapter 117, Laws of 1917 as last amended by section 1, chapter 133, Laws of 1947 and RCW 90.03.290; amending section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010; amending section 4, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.020; amending section 4, chapter 107, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1963 and RCW 90.24.030; amending section 7, chapter 107, Laws of 1939 and RCW 90.24.060; amending section 13, chapter 139, Laws of 1967 ex. sess. as amended by section 12, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.142; adding new sections to chapter 77.04 RCW; creating new sections; repealing section 77.04.030, chapter 36, Laws of 1955, section 4, chapter 78, Laws of 1980 and RCW 77.04.030; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3448, by Senators Lee and Fuller:

AN ACT Relating to fire protection districts; amending section 4, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.040; amending section 6, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.060; amending section 8, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.080; amending section 9, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.090; and amending section 10, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.100.

Referred to Committee on Local Government.

SENATE BILL NO. 3449, by Senators Hayner and Gaspard:

AN ACT Relating to certain school accounts; creating new sections; and repealing section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120.

Referred to Committee on Education.

SENATE BILL NO. 3450, by Senators Pullen and Lysen:

AN ACT Relating to employee privacy; adding a new section to chapter 49.44 RCW; defining crimes; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3451, by Senators Pullen and Lysen:

AN ACT Relating to employees' personnel files; and adding a new chapter to Title 49 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3452, by Senators Hurley, Gould and Charnley:

AN ACT Relating to ocean beach sand removal; amending section 8, chapter 120, Laws of 1967 as amended by section 6, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.685; adding a new section to chapter 90.58 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3453, by Senators Hurley, Goltz and Zimmerman:

AN ACT Relating to state trust lands; amending section 1, chapter 210, Laws of 1971 ex. sess. as amended by section 1, chapter 4, Laws of 1980 and RCW 43.51.270; and amending section 2, chapter 210, Laws of 1971 ex. sess. as amended by section 2, chapter 4, Laws of 1980 and RCW 43.51.280.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3454, by Senators Metcalf, Woody, Haley and Sellar:

AN ACT Relating to public lands; and amending section 96, chapter 255, Laws of 1927 as last amended by section 6, chapter 73, Laws of 1961 and RCW 79.01.384.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3455, by Senators Haley, Hansen, Bluechel, Jones, Sellar, Guess and Metcalf:

AN ACT Relating to the maintenance and operation of educational institutions; amending section 28A.58.102, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.102; creating new sections; adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3456, by Senators Sellar and Talley:

AN ACT Relating to public records; amending section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050; amending section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090; amending section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060; amending section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050; amending section 15, chapter 4, Laws of 1919 and RCW 18.57.160; amending section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; repealing section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and repealing section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

Referred to Committee on Local Government.

SENATE BILL NO. 3457, by Senator Rasmussen:

AN ACT Relating to state employees' insurance; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 2, chapter 120, Laws of 1980 and RCW 41.05.025; and amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3458, by Senators Shinpoch, Jones, McDermott and Deccio:

AN ACT Relating to exotic races; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3459, by Senators Talmadge, Shinpoch, Kiskaddon, Bottiger, Wojahn, Bauer, Talley, McDermott, Vognild, Hughes, Woody, Conner, Fleming, Rasmussen, Hurley, Ridder and Gaspard:

AN ACT Relating to enforcement of judgments; amending section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010; amending section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020; amending section 3, chapter 64, Laws of 1895 as amended by section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030; amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050; amending section 33, chapter 64, Laws of 1895 and RCW 6.12.080; amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090; amending section 7, chapter 64, Laws of 1895 and RCW 6.12.120; amending section 10, chapter 64, Laws of 1895 and RCW 6.12.150; amending section 12, chapter 64, Laws of 1895 and RCW 6.12.170; amending section 17, chapter 64, Laws of 1895 and RCW 6.12.220; amending section 18, chapter 64, Laws of 1895 and RCW 6.12.230; amending section 19, chapter 64, Laws of 1895 and RCW 6.12.240; amending section 20, chapter 64, Laws of 1895 and RCW 6.12.250; amending section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260; amending section 1, chapter 35, Laws of 1935 and RCW 6.24.010; amending section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210; adding new sections to chapter 6.12 RCW; adding a new section to chapter 6.24 RCW; adding a new section to chapter 6.04 RCW; and repealing section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040; repealing section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; repealing section 32, chapter 64, Laws of 1895 and RCW 6.12.070; and repealing section 8, chapter 64, Laws of 1895 and RCW 6.12.130.

Referred to Judiciary Committee.

SENATE BILL NO. 3460, by Senators Charnley, Conner and Lysen:

AN ACT Relating to energy and resource savings through conservation; adding a new section to chapter 70.54 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3461, by Senators Moore, Conner and Bottiger:

AN ACT Relating to nuclear energy and radiation; amending section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050; amending section 8, chapter 207, Laws of 1961 as amended by section 5, chapter 88,

Laws of 1965 and RCW 70.98.080; and amending section 18, chapter 207, Laws of 1961 as amended by section 8, chapter 88, Laws of 1965 and RCW 70.98.180.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3462, by Senators Lysen and Conner:

AN ACT Relating to energy and resource savings through conservation; adding a new section to Title 39 RCW; adding a new section to chapter 39.30 RCW; and adding new sections to chapter 43.19 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3463, by Senators Charnley, Conner and Lysen:

AN ACT Relating to energy and resource savings through conservation; and adding new sections to chapter 43.19 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3464, by Senators Hansen, Bottiger and Conner:

AN ACT Relating to pesticides; creating a new section; and making an appropriation.

Referred to Committee on Agriculture.

SENATE BILL NO. 3465, by Senators Wojahn, Shinpoch, Clarke, Bauer, Jones, Bluechel and Sellar:

AN ACT Relating to the department of general administration; repealing section 11, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19365; repealing section 15, chapter 99, Laws of 1979 and RCW 43.131.177; and repealing section 57, chapter 99, Laws of 1979 and RCW 43.131.178.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3466, by Senators Peterson, Shinpoch and Benitz:

AN ACT Relating to lands under the jurisdiction and management of the department of natural resources; amending section 6, chapter 154, Laws of 1923 as last amended by section 1, chapter 159, Laws of 1977 ex. sess. and RCW 76.12.110; and amending section 3, chapter 178, Laws of 1961 as amended by section 2, chapter 159, Laws of 1977 ex. sess. and RCW 79.64.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3467, by Senators Hurley, Craswell and Vognild:

AN ACT Relating to land areas along the Pacific Ocean; amending section 1, chapter 54, Laws of 1935 and RCW 79.16.130; amending section 1, chapter 105, Laws of 1901 and RCW 79.16.160; amending section 1, chapter 110, Laws of 1901 and RCW 79.16.170; amending section 2, chapter 212, Laws of 1963 and RCW 79.16.173; amending section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680; amending section 35.21-.230, chapter 7, Laws of 1965 and RCW 35.21.230; adding new sections to chapter 43.51 RCW; adding a new section to chapter 35.21 RCW; repealing section 1, chapter 212, Laws of 1963 and RCW 79.16.172; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3468, by Senators Conner, Talley, Quigg and Lee:

AN ACT Relating to tidelands; amending section 140, chapter 255, Laws of 1927 and RCW 79.01.560; amending section 2, chapter 217, Laws of 1971 ex. sess. as amended by section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.470; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3469, by Senators Quigg, Conner and Lee:

AN ACT Relating to aquatic lands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 104, by Senators Metcalf, McCaslin and Quigg:

Memorializing Congress to limit the terms of federal judges and members of Congress.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 114, by Senators Metcalf, McCaslin, Vognild and Quigg:

Limiting the terms of state elected officials.

Referred to Committee on Constitutions and Elections.

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Talmadge, Hemstad, Woody and Moore:

Adopting the juvenile disposition standards of the department of social and health services.

Referred to Judiciary Committee.

MOTION

On motion of Senator Talmadge, Senate Bill No. 3410 was referred to the Committee on Social and Health Services.

FIRST READING OF HOUSE BILL

The Secretary read the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways and Means (originally sponsored by Representative Chandler):

Adopting a supplemental budget.

Before a referral was made by the President of the Senate, the following action occurred:

MOTION

Senator Newhouse: "Mr. President, I move that Engrossed Substitute House Bill 206 be referred to the committee of the whole Senate."

President Cherberg: "Senator Newhouse has moved that Engrossed Substitute House Bill number 206 be referred to the committee of the whole. Senator Newhouse."

Senator Newhouse: "Senate rule 66, Mr. President. The reason of course is that this is the supplemental budget and the three bills following are revenue bills to implement it and time is of the essence. There is a matter of some immediacy because, particularly in Social and Health Services Department. If a supplemental budget is not passed by February 10, which is next Wednesday, the programs would have to be cut back or eliminated in the department, which would be very drastic. And I suggest that we are, all of us in this body pretty well informed about the provision of this supplemental budget; the Ways and Means Committee, we are well aware, has worked very hard on this for some weeks. I think we are prepared to handle it. I think we should handle it with some immediacy.

"If this motion prevails it would be my intent to suggest that the Senate resolve itself into the committee of the whole on Friday, or some other acceptable date, in the near future."

Senator Bluechel demanded a roll call and the demand was sustained.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking against the motion, this is a way to catch something on the fly and put it on the second reading calendar and then resolve into the committee of the whole.

"Senator McDermott and Senator Moore have scheduled hearings on the effects of the changes in the budgetary process and the programs thereby affected, for their committees and have assured me that those measures will be ready for action on Monday, and that is why we changed the schedule around to provide more floor action time on Monday. And I think catching it there and trying to hold the hearings out on the Senate floor with the witnesses and everything coming, and the questions, would unduly delay it.

"We should go to the committee process, hear the testimony, hear the witnesses, make the report from the committee, and we will be handling that matter Monday, which is the ninth; and Governor Spellman has talked to us about the importance of the date, the tenth, and we will have it out here."

PARLIAMENTARY INQUIRY

Senator Peterson: "Mr. President, point of parliamentary inquiry.

"The motion is by Senator Newhouse to send this measure to the committee of the whole. We do not have a committee of the whole at the present time. What is the proper course . . .?"

REPLY BY PRESIDENT CHERBERG

President Cherberg: "Senator Newhouse referred to rule 66, Senator Peterson."

MOTION

At 9:37 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, February 6, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 6, 1981.

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

The Color Guard, consisting of Pages Jeffery Kuess and Michelle Seelye, presented the Colors. Reverend Stanley J. Workman, pastor of The Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1981.

SENATE BILL NO. 3000, modifying provisions relating to confirmation of gubernatorial appointees (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Fuller, Gould, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3001, providing for parking for disabled persons (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Charnley, Conner, Guess, Lysen, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

February 2, 1981.

SENATE BILL NO. 3032, extending program for displaced homemakers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and rerefer to Committee on Ways and Means.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Kiskaddon, McCaslin.

Rereferred to Committee on Ways and Means.

February 5, 1981.

SENATE BILL NO. 3033, authorizing municipal corporation heating systems (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3033 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, Lysen, McCaslin, Moore, Quigg, Wilson.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3041, providing for the appointment of members to the Pacific Northwest Electric Power and Conservation Planning Council (reported by Committee on Energy and Utilities):

Recommendation: That Substitute Senate Bill No. 3041 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, Lysen, McCaslin, Moore, Newhouse, Quigg, Wilson.

Passed to Committee on Rules for second reading.

February 4, 1981.

SENATE BILL NO. 3103, deregulating warehousemen (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3103 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hansen, Chairman; Deccio, Gaspard, Hayner, Jones, Wilson.

Passed to Committee on Rules for second reading.

January 27, 1981.

SENATE BILL NO. 3105, establishing a natural heritage program (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3105 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Conner, Gallagher, Metcalf, Rasmussen, Talley, Zimmerman.

Rereferred to Committee on Ways and Means.

February 3, 1981.

SENATE BILL NO. 3108, making the anniversary of the birth of Martin Luther King, Jr. a school holiday (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Fleming, Hemstad, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1981.

SENATE BILL NO. 3111, extending doctor-patient privilege to nurses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Kiskaddon, McCaslin, Ridder.

Passed to Committee on Rules for second reading.

February 2, 1981.

SENATE BILL NO. 3131, extending laws against patient abuse to state hospitals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Craswell, Kiskaddon, McCaslin, Ridder.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3170, providing for the payment of bond anticipation notes (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3207, extending the authorization on the transfer of public funds by electronic communication (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3208, excluding the state treasurer from the reporting requirement on highest bank balances during the fiscal year (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3209, changing the state payroll revolving fund to an account (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3210, modifying provisions on warrants (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3210 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3230, limiting liability of pilots (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Metcalf, Patterson, Peterson, Vognild.

Passed to Committee on Rules for second reading.

February 2, 1981.

SENATE BILL NO. 3232, authorizing state patrol closures of highways (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3232 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Talley, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Kiskaddon, Lysen, Metcalf, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3238, repealing law relating to state school building systems project (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3239, repealing law providing for division of special educational service known as division of recreation (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3240, modifying certain laws relating to course instruction in the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3242, making miscellaneous changes in law relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1981.

SENATE BILL NO. 3252, requiring approval and use of child safety restraints in vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Talley, Vice Chairman; Charnley, Conner, Gallagher, Lysen, Patterson, Peterson.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3254, making available braille and/or taped transcripts of the voters' and candidates' pamphlets (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3254 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Gould, Metcalf, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

January 28, 1981.

SENATE BILL NO. 3257, making technical changes in voter registration law (reported by Committee on Constitutions and Elections):

Recommendation: That Substitute Senate Bill No. 3257 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Fuller, Gould, Metcalf, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 4, 1981.

M. KEITH ELLIS, to the position of Director of the Department of Agriculture, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor succeeding Bob Mickelson (reported by Committee on Agriculture):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Hansen, Chairman; Deccio, Gaspard, Hayner, Jones, Wilson.

Passed to Committee on Rules.

February 4, 1981.

ROLLAND A. SCHMITTEN, to the position of Director of the Department of Fisheries, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Gordon Sandison (reported by Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Conner, Gallagher, Haley, Metcalf, Patterson, Rasmussen, Talley, Vognild, Zimmerman.

Passed to Committee on Rules.

MOTION

On motion of Senator McDermott, Senate Bill No. 3105 and the committee report from the Committee on Natural Resources, was rereferred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

January 30, 1981.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1610, notwithstanding the Governor's veto, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION TO OVERRIDE VETO OF SHB 1610
BY GOVERNOR RAY

Senator Shinpoch moved the Senate pass Substitute House Bill No. 1610 notwithstanding the veto by Governor Ray. Substitute House Bill No. 1610 came from the House in the 1980 session of the legislature from the Committee on State Government and was originally sponsored by Representatives McDonald, Sommers, Taller, Nelson (G.), Thompson, Becker, Nisbet, McGinnis, Garrett, Schmitt, Taylor, Williams, Struthers, Addison, Granlund, Hughes, Dunlap, Greengo, Sanders, Nelson (D) and Hastings having the short title of creating the state investment board.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, I heard you mention that our over-all investment policies have been dismal at best. What do you mean by that?"

Senator Scott: "Other states' systems of comparable size, in states like Wisconsin, Minnesota, Colorado have had a return on investments over the last seven years, it has been a percent-and-a-half above ours. Part of this has been determined by the fact that we have had a very restrictive investment policy, up to the last few years, as to what the state finance committee could invest in. Generally,

a very conservative policy—part of it is the problem of their reconciling three different types of recommendations from the advisory board and the consultants of TRS, LEOFF and state employees, and try to make a uniform investment policy that can be executed in a timely way.

"Those are the two main causes of our performance being below comparable states with comparable investment level."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Shinpoch, the teachers, the public employees and the other groups involved in the pension programs, each have representatives presently serving on boards which manage these investments. My question is, do any of these representatives or any of the groups they represent, object to the changes that would be made in this proposal."

Senator Shinpoch: "Senator Wilson, since yesterday we have attempted to make that survey. The position of the Washington Federation of State Employees is unanimous support. The position of TRS was stated as 'soft support might be possible but the official position is neutrality.'

"The position of the LEOFF system is neutrality and we have statements such as 'we admit the administrative wisdom of the bill' and those kinds of things; but their official position is as I have indicated it to you to the best that we were able to determine in the last, say, twenty-four hours."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "While I am on my feet might I make a very short response to Senator Rasmussen.

"I would just like to point out to you that three members of the board of the state finance committee are elected officials. There is a senator, a member of the Senate, a member of the House, the state treasurer. I would point out one more thing—that the treasurer is appointed by the board to serve for three years; however, it requires the concurrence and the approval of the Senate for that to occur; and it is a three-year term. There are adequate controls available, both from the elected officials and from the fact that it requires the approval of the Senate."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Shinpoch that the Senate pass Substitute House Bill No. 1610 considered in the 1980 session of the legislature, notwithstanding the veto by Governor Ray.

ROLL CALL ON OVERRIDING VETO BY GOVERNOR RAY

The Secretary called the roll and Substitute House Bill No. 1610 passed the Senate, notwithstanding the veto by Governor Ray, and the bill passed the Senate by the following vote: Yeas, 42; nays 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Wilson, Woody, Zimmerman—42.

Voting nay: Senators Gaspard, Lysen, Moore, Rasmussen, von Reichbauer, Williams, Wojahn—7.

SUBSTITUTE HOUSE BILL NO. 1610, 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.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Introduction, first reading and reference of bills, memorials, and resolutions.

"Honored members of the Senate, it is clearly indicated that the first large number of bills will be referred to the energy and utilities committee. These bills are title only bills . . . Senator Newhouse . . ."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President I would refer to rule 18, 'unfinished business' on this order of business from the previous day."

REPLY BY PRESIDENT CHERBERG

President Cherberg: "Will you please state rule 18, Senator Newhouse."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, 'The unfinished business at the preceding adjournment shall have preference over all other matters, . . .'"

REPLY BY PRESIDENT CHERBERG

President Cherberg: "The motion that Senator Newhouse has referred to is his motion of February 4, 1981, that Engrossed Substitute House Bill 206 be referred to the committee of the whole Senate. A roll call was demanded and the demand sustained."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, as I read Rule 58, the action of the committee, while in the committee of the whole, requires a two-thirds vote on amendments from the bill that was referred from the ways and means committee. My point of inquiry would be that, would amendments, since the bill has not gone to ways and means, only require a majority vote?"

REPLY BY PRESIDENT CHERBERG

President Cherberg: "The President will read the second portion of Senate Rule 58. 'No amendment to the omnibus appropriations bill, commonly known as the budget or supplemental budget, adding any new item, or items, thereto not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of two-thirds of the senators elected.'

"In reply to your inquiry, Senator Bottiger, the President believes that inasmuch as this measure has not been reported out by the ways and means committee, that a majority vote is required for the adoption of an amendment."

Debate ensued.

Senators Fleming, Talley and Jones demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Bottiger, the Senate proceeded under the Call of the Senate.

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, knowing that we want to get out of here in one hundred and five days, and knowing that the House has three appropriation committees, a committee on ways and means, and a committee on revenue, will it be your recommendation when the good and responsible Senate-originated biennial budget goes over to the House, that when that budget goes over, the House would resolve itself into a committee of the whole upon receipt of the budget from the Senate, and deal with the Senate budget in a fashion you recommend here?"

Senator Hayner: "That would certainly be up to the House to make that decision, Senator Talmadge.

"There is a great difference between a biennial budget and a supplemental budget, as you very well know. We had a spread sheet on the supplemental budget which is very limited. You know what the size of the biennial budget is. And they are going to have a committee of the whole to finally discuss the biennial budget, there is no question about that."

Debate ensued.

Senators Ridder, Fleming and Talley demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Newhouse made on the floor of the Senate on February 4, 1981 that Engrossed Substitute House Bill No. 206 be referred to the committee of the whole Senate.

The motion for a roll call had been made by Senator Bluechel on February 4, 1981 and the demand was sustained.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206 was referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3470, by Senator Williams:

AN ACT Relating to utilities.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3471, by Senator Williams:

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3472, by Senator Williams:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3473, by Senator Williams:
AN ACT Relating to renewable energy development.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3474, by Senator Williams:
AN ACT Relating to energy facilities siting.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3475, by Senator Williams:
AN ACT Relating to energy facilities siting.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3476, by Senator Williams:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3477, by Senator Williams:
AN ACT Relating to energy.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3478, by Senator Williams:
AN ACT Relating to utilities.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3479, by Senator Williams:
AN ACT Relating to renewable energy development.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3480, by Senators Williams:
AN ACT Relating to nuclear wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3481, by Senator Williams:
AN ACT Relating to nuclear wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3482, by Senator Williams:
AN ACT Relating to energy transportation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3483, by Senator Williams:
AN ACT Relating to nuclear wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3484, by Senator Williams:
AN ACT Relating to energy transportation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3485, by Senator Williams:
AN ACT Relating to joint operating agencies.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3486, by Senator Williams:
AN ACT Relating to hazardous wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3487, by Senator Williams:
AN ACT Relating to joint operating agencies.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3488, by Senator Williams:
AN ACT Relating to joint operating agencies.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3489, by Senator Williams:
AN ACT Relating to hazardous wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3490, by Senator Williams:
AN ACT Relating to energy transportation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3491, by Senator Williams:
AN ACT Relating to utility financing.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3492, by Senator Williams:
AN ACT Relating to utility financing.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3493, by Senator Williams:
AN ACT Relating to utility financing.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3494, by Senator Williams:
AN ACT Relating to hazardous wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3495, by Senators Wilson, Moore and Sellar:
AN ACT Relating to emergency medical technicians; and amending section 11, chapter 208, Laws of 1973 1st ex. sess. as amended by section 11, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.110.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3496, by Senators Vognild, Quigg and Shinpoch:
AN ACT Relating to duplicate disability payments; and amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 129, Laws of 1980 and RCW 51.32.090.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3497, by Senators Hansen, Sellar and Wilson (by State Auditor request):

AN ACT Relating to the registration and signing of public utility district obligations; amending section 6, chapter 182, Laws of 1941 as amended by section 8, chapter 218, Laws of 1959 and RCW 54.24.070; and amending section 9, chapter 182, Laws of 1941 as amended by section 11, chapter 218, Laws of 1959 and RCW 54.24.100.

Referred to Committee on Local Government.

SENATE BILL NO. 3498, by Senators Wojahn, Sellar and Bauer:

AN ACT Relating to the Washington health care facilities authority; amending section 10, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.100; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3499, by Senators Williams, Fuller, Wilson, Lysen and Conner:

AN ACT Relating to joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3500, by Senators Williams and Quigg:

AN ACT Relating to joint operating agencies; amending section 1, chapter 220, Laws of 1979 ex. sess. and RCW 43.52.378; and amending section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3501, by Senators Williams, Gould, Hemstad, Lysen and Conner:

AN ACT Relating to joint operating agencies; and amending section 43.52.300, chapter 8, Laws of 1965 as last amended by section 4, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.300.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3502, by Senators Charnley, Williams and Lysen:

AN ACT Relating to joint operating agencies; amending section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411; creating new sections; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3503, by Senators Moore, Gould, Williams, Hemstad and Lysen:

AN ACT Relating to joint operating agencies; amending section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370; and amending section 43.52.373, chapter 8, Laws of 1965 and RCW 43.52.373.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3504, by Senators Wilson and Williams:

AN ACT Relating to joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3505, by Senators Moore, Fuller, Williams, Gould, Hemstad, Lysen, Bauer and Conner:

AN ACT Relating to financing joint operating agencies; amending section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411; amending section 43.52.343, chapter 8, Laws of 1965 and RCW 43.52.343; adding new sections to chapter 43.52 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3506, by Senators Lysen and Williams:

AN ACT Relating to joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3507, by Senators Charnley, McCaslin and Gould:

AN ACT Relating to extraterritorial activities of special purpose districts; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 35.91.020, chapter 7, Laws of 1965 as amended by section 1, chapter 113, Laws of 1967 and RCW 35.91.020; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3508, by Senators Charnley and Gallagher:

AN ACT Relating to public works of first class cities; and amending section 1, chapter 56, Laws of 1975 1st ex. sess. as amended by section 1, chapter 89, Laws of 1979 ex. sess. and RCW 35.22.620.

Referred to Committee on Local Government.

SENATE BILL NO. 3509, by Senators Lysen, Conner and Williams:

AN ACT Relating to the energy-efficient use of wood and wood residues; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 76 RCW; and making an appropriation.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3510, by Senators Talmadge, Williams, Quigg, Ridder and Fleming:

AN ACT Relating to joint operating agencies; amending section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411; amending section 4, chapter 159, Laws of 1967 as amended by section 4, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.040; adding new sections to chapter 43.52 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3511, by Senator Lee:

AN ACT Relating to transportation; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 3512, by Senator Lee:

AN ACT Relating to fire protection districts; and amending section 10, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.100.

Referred to Committee on Local Government.

SENATE BILL NO. 3513, by Senators Lee, Ridder and Fuller:

AN ACT Relating to delinquent property taxes; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3514, by Senators Lee, Ridder and Wojahn:

AN ACT Relating to councilmembers; amending section 29.13.023, chapter 9, Laws of 1965 as amended by section 11, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.023; amending section 29.13.024, chapter 9, Laws of 1965 as amended by section 12, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.024; amending section 29.21.017, chapter 9, Laws of 1965 and RCW 29.21.017; amending section 4, chapter 223, Laws of 1953 as amended by section 26, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.210; amending section 2, chapter 137, Laws of 1943 as amended by section 6, chapter 261, Laws of 1945 and RCW 41.24.060; amending section 6, chapter 203, Laws of 1963 and RCW 42.14.050; amending section 1, chapter 79, Laws of 1979 and RCW 43.06.300; adding a new section to Title 35 RCW; and adding a new section to chapter 35A.01 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3515, by Senators Hurley, Metcalf, Bottiger, Patterson, Conner, Vognild, McCaslin, Rasmussen, Pullen, Hughes, Deccio, Gallagher, Quigg, Craswell, Zimmerman, Lysen, Fuller and von Reichbauer:

AN ACT Relating to informed consent; adding a new section to chapter 9.02 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3516, by Senators Lee, Craswell, Guess, Haley and Metcalf:

AN ACT Relating to state government; adding a new section to chapter 43.88 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3517, by Senators Jones, Fleming, Lee, Zimmerman and Guess:

AN ACT Relating to revenue and taxation; amending section 84.40.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1973 and RCW 84.40.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3518, by Senators McCaslin, Hansen, Moore, Deccio, Patterson, Benitz, Metcalf, Quigg, Vognild and von Reichbauer:

AN ACT Relating to motor vehicle driver's abstracts; and amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130.

Referred to Committee on Transportation.

SENATE BILL NO. 3519, by Senator Sellar:

AN ACT Relating to juveniles; repealing section 15, chapter 155, Laws of 1979 and RCW 13.32A.010; repealing section 16, chapter 155, Laws of 1979 and RCW 13.32A.020; repealing section 17, chapter 155, Laws of 1979 and RCW 13.32A.030; repealing section 18, chapter 155, Laws of 1979 and RCW 13.32A.040; repealing section 19, chapter 155, Laws of 1979 and RCW 13.32A.050; repealing section 20, chapter 155, Laws of 1979 and RCW 13.32A.060; repealing section 21, chapter 155, Laws of 1979 and RCW 13.32A.070; repealing section 22, chapter 155, Laws of 1979 and RCW 13.32A.080; repealing section 23, chapter 155, Laws of 1979 and RCW 13.32A.090; repealing section 24, chapter 155, Laws of 1979 and RCW 13.32A.100; repealing section 25, chapter 155, Laws of 1979 and RCW 13.32A.110; repealing section 26, chapter 155, Laws of 1979 and RCW 13.32A.120; repealing section 27, chapter 155, Laws of 1979 and RCW 13.32A.130; repealing section 28, chapter 155, Laws of 1979 and RCW 13.32A.140; repealing section 29, chapter 155, Laws of 1979 and RCW 13.32A.150; repealing section 30, chapter 155, Laws of 1979 and RCW 13.32A.160; repealing section 31, chapter 155, Laws of 1979 and RCW 13.32A.170; repealing section 32, chapter 155, Laws of 1979 and RCW 13.32A.180; repealing section 33, chapter 155, Laws of 1979 and RCW 13.32A.190; repealing section 34, chapter 155, Laws of 1979 and RCW 13.32A.200; repealing section 29, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.010; repealing section 30, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.020; repealing section 31, chapter 291, Laws of 1977 ex. sess., section 37, chapter 155, Laws of 1979 and RCW 13.34.030; repealing section 5, chapter 160, Laws of 1913, section 32, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.040; repealing section 33, chapter 291, Laws of 1977 ex. sess., section 38, chapter 155, Laws of 1979 and RCW 13.34.050; repealing section 34, chapter 291, Laws of 1977 ex. sess., section 39, chapter 155, Laws of 1979 and RCW 13.34.060; repealing section 6, chapter 160, Laws of 1913, section 35, chapter 291, Laws of 1977 ex. sess., section 40, chapter 155, Laws of 1979 and RCW 13.34.070; repealing section 7, chapter 160, Laws of 1913, section 4, chapter 302, Laws of 1961, section 36, chapter 291, Laws of 1977 ex. sess., section 41, chapter 155, Laws of 1979 and RCW 13.34.080; repealing section 37, chapter 291, Laws of 1977 ex. sess., section 42, chapter 155, Laws of 1979 and RCW 13.34.090; repealing section 38, chapter 291, Laws of 1977 ex. sess., section 43, chapter 155, Laws of 1979 and RCW 13.34.100; repealing section 5, chapter 302, Laws of 1961, section 39, chapter 291, Laws of 1977 ex. sess., section 44, chapter 155, Laws of 1979 and RCW 13.34.110; repealing section 40, chapter 291, Laws of 1977 ex. sess., section 45, chapter 155, Laws of 1979 and RCW 13.34.120; repealing section 41, chapter 291, Laws of 1977 ex. sess., section 46, chapter 155, Laws of 1979 and RCW 13.34.130; repealing section 15, chapter 160, Laws of 1913, section 43, chapter 291, Laws of 1977 and RCW 13.34.150; repealing section 8, chapter 160, Laws of 1913, section 7, chapter 302, Laws of 1961, section 1, chapter 138, Laws of 1969 ex. sess., section 44, chapter 291, Laws of 1977 ex. sess. and

RCW 13.34.160; repealing section 1, chapter 188, Laws of 1955, section 8, chapter 302, Laws of 1961, section 45, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.170; repealing section 46, chapter 291, Laws of 1977 ex. sess., section 47, chapter 155, Laws of 1979 and RCW 13.34.180; repealing section 47, chapter 291, Laws of 1977 ex. sess., section 48, chapter 155, Laws of 1979 and RCW 13.34.190; repealing section 48, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.200; repealing section 49, chapter 291, Laws of 1977 ex. sess., section 49, chapter 155, Laws of 1979 and RCW 13.34.210; repealing section 50, chapter 155, Laws of 1979 and RCW 13.34.220; repealing section 51, chapter 155, Laws of 1979 and RCW 13.34.230; repealing section 52, chapter 155, Laws of 1979 and RCW 13.34.240; repealing section 53, chapter 155, Laws of 1979 and RCW 13.34.250; and repealing section 3, chapter 201, Laws of 1979 ex. sess. and RCW 13.34.300.

Referred to Judiciary Committee.

SENATE BILL NO. 3520, by Senator Rasmussen:

AN ACT Relating to residential property tax relief; adding new sections to chapter 84.36 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3521, by Senators Quigg, Hurley, Craswell, McCaslin and Fuller:

AN ACT Relating to sex education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; and prescribing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3522, by Senators Hansen, Deccio, Gaspard, Talley, Fuller, Sellar, Bauer, Wilson and Benitz:

AN ACT Relating to agricultural land; and amending section 2, chapter 87, Laws of 1970 ex. sess. as amended by section 2, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.020.

Referred to Committee on Agriculture.

SENATE BILL NO. 3523, by Senators Peterson, McDermott, Fuller, Goltz, Vognil, Bauer, Williams and Charnley:

AN ACT Relating to the processing of timber from public lands; adding a new chapter to Title 79 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3524, by Senators Hansen, Benitz, Bauer, Charnley and Fuller:

AN ACT Relating to farms; and amending section 3, chapter 292, Laws of 1961 as amended by section 2, chapter 209, Laws of 1979 ex. sess. and RCW 83.04.013.

Referred to Committee on Agriculture.

SENATE BILL NO. 3525, by Senators Deccio, Hurley, Benitz and Conner:

AN ACT Relating to beer and/or wine wholesale distributor franchises; adding a new chapter to Title 19 RCW; and defining crimes.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3526, by Senators Woody, Quigg, Gallagher and Vognil:

AN ACT Relating to public employment; and amending section 25, chapter 1, Laws of 1961 as amended by section 1, chapter 136, Laws of 1974 ex. sess. and RCW 41.06.250.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3527, by Senators Conner and Fuller:

AN ACT Relating to forests; adding a new chapter to Title 76 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3528, by Senators Talley and Rasmussen (by State Auditor request):

AN ACT Relating to the transfer of moneys between funds of a unit of local government; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3529, by Senators Talley and Rasmussen (by State Auditor request):

AN ACT Relating to budgets of cities and towns; and amending section 1, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.011.

Referred to Committee on Local Government.

SENATE BILL NO. 3530, by Senators Rasmussen and Gould (by State Treasurer request):

AN ACT Relating to public disclosure; and amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3531, by Senators Goltz, Jones, McDermott, Scott and Ridder:

AN ACT Relating to Western Washington University; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3532, by Senators Metcalf and Peterson:

AN ACT Relating to vehicle licenses; and amending section 1, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.006.

Referred to Committee on Transportation.

SENATE BILL NO. 3533, by Senators Charnley, Gould, Talmadge and Williams:

AN ACT Relating to transportation; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3534, by Senators Moore and Gallagher:

AN ACT Relating to special purpose districts; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 5, chapter 210, Laws of 1941 and RCW 56.04.070; amending section 48, chapter 210, Laws of 1941 as last amended by section 3, chapter 103, Laws of 1959 and RCW 56.08.060; amending section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 1, chapter 12, Laws of 1980 and RCW 56.20.015; amending section 4, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.040; amending section 6, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.060; amending section 4, chapter 114, Laws of 1929 and RCW 57.04.070; amending section 3, chapter 251, Laws of 1953 as amended by section 4, chapter 108, Laws of 1959 and RCW 57.08.045; amending section 1, chapter 111, Laws of 1963 as last amended by section 69, chapter 141, Laws of 1979 and RCW 57.08.065; amending section 4, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.130; amending section 6, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.150; adding a new section to chapter 56.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3535, by Senator Metcalf:

AN ACT Relating to private schools; and amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201.

Referred to Committee on Education.

SENATE BILL NO. 3536, by Senators Wojahn, Bauer, Sellar, Charnley and Fuller (by Department of General Administration request):

AN ACT Relating to savings and loan associations; adding new sections to chapter 33.12 RCW; repealing section 8, chapter 257, Laws of 1947 and RCW 33.24.190; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3537, by Senator McDermott:

AN ACT Relating to the temporary elimination of medical assistance to indigent persons.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3538, by Senators McDermott, Bauer, Talmadge, Moore, Williams, Woody, Shipoch, Hansen, Charnley, Gaspard, Ridder, Fleming, Wilson, Rasmussen, Peterson, Talley, Bottiger, Goltz, Vognild and Lysen:

AN ACT Relating to chore services.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3539, by Senator McDermott:

AN ACT Relating to the temporary elimination of general assistance to unemployed unemployable person.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Williams, Gould, Hemstad, Lysen and Quigg:

Requesting an assessment of a temporary pause in constructing two nuclear power plants.

Referred to Committee on Energy and Utilities.

FIRST READING OF HOUSE BILLS

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways and Means (originally sponsored by Representative Chandler):

Adopting a supplemental budget.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 207, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Providing for the prepayment of insurance premiums taxes.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 208, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions on excise tax collections.

Referred to Committee on Ways and Means.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, by Committee on Ways and Means (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions relating to state funds.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Talmadge, the Senate commenced consideration of Senate Bill No. 3112.

SECOND READING

SENATE BILL NO. 3112, by Senators Talmadge, Hemstad, Shinpoch, Vognild and Deccio:

Providing for the award of expenses to prevailing parties in civil actions.

REPORT OF STANDING COMMITTEE

January 15, 1981.

SENATE BILL NO. 3112, providing for the award of expenses to prevailing parties in civil actions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 23 after "files;" strike down to and including "witnesses," on line 25.

Renumber the remaining sections consecutively.

Signed by: Senators Talmadge, Chairman; Bottiger, Newhouse, Shinpoch, Wojahn and Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, line 3, add a new subsection to read as follows:

"(8) Loss of income in those cases where the State of Washington or any political subdivision thereof, is both the complainant and non-prevailing party and the prevailing party is a natural person or his or her marital community"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, does the state ever participate in civil suits against persons?"

Senator Talmadge: "Yes, it does. I think the remarks I made, Senator, were directed to Senator Pullen's concerns that, I think he was suggesting that this particular amendment would apply to criminal actions brought by the state or in the name of the state. And this particular piece of legislation only applies to costs in civil litigation."

Further debate ensued.

Senator Haley moved adoption of the following amendment to the amendment by Senator Pullen:

On line 2 of the amendment, strike "political subdivision" and insert "or any department, office, commission or board"

Debate ensued.

The motion by Senator Haley failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the amendment by Senator Pullen.

POINT OF INQUIRY

Senator Guess: "Mr. President, I would like to ask Senator Bottiger a question. Senator Bottiger, in a case where a city or the state sues, not sues but enters into a condemnation procedure and the court, the jury says 'No, that the price that was

offered by the city or the state was too low and therefore you are going to have to give the individual party more money.' Would this impact the condemnation proceedings in any way?"

Senator Bottiger: "Senator Guess, clearly it would. It would not make any difference what the jury came back with. They could come back with less than the city offered. The property owner is always the prevailing party in a condemnation action. He is awarded a judgment for whatever the jury says. He is the prevailing party.

"So in every case this amendment would add all of the lost income of that property owner even though actually he lost. He got less than was offered to him."

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, your question to Senator Bottiger, because you indicate that because it was going to cost the state more money, that the individual should not have the right of recovery.

"Now in a case of condemnation, Senator Guess, and I want to ask you this and you are well aware of it, the state moves in and condemns a person's property and very often through the eagerness of the appraisers or someone, the state loses and the property owner receives additional compensation. This would merely say that he gets his crops (sic) back in relation to the loss of income; and it could well be that he would lose income because the state moved in to condemn the property. The little individual, I think, is the one that needs protection and I think you would agree with that—you have always stood on this floor and fought for the individual protection against the great state, or any political subdivision. What is your answer to that, Senator?"

Senator Guess: "Senator Rasmussen, in reply to that I remember back on a case where the jury increased the value, or increased the settlement to the individual property owner just north of Tacoma by the order of almost two to one what the state had been willing originally to give. They took into consideration in making that award the cost of the fees that the attorney charged the individual landowner to represent him; but the cost of the income that the man lost by being in court the three days that it was required that he be there, was not specifically spelled out. I do not know whether he felt like that he needed reimbursement, I know that he felt very much gratified that the jury did double the award and he was satisfied. But now would they have to go back and delineate the amount of money of that judgment that was reimbursement for the days he was in court? I do not know."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Guess, in answer to your question, I think Senator Talmadge can answer that and that the court is the final wording or what we are putting in is just merely guidance for the court. Is this correct Senator Talmadge?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "In response to Senator Guess' question, in addition to the judgment that would be rendered, they would be entitled to loss income beyond the amount of the judgment."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, is the final decision up to the court on the amount?"

Senator Talmadge: ". . . as to the amount of loss income? Yes, it is but they have to take testimony as to what the income loss was."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Senator Talmadge. Senator Guess, that gives you your answer. If we believe in the courts and the court system, it lays right out there before you. It is the judgment of the judge."

Further debate ensued.

Senators Bottiger, von Reichbauer and Goltz demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senator Pullen.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, the bill proposes to allow 'termed costs, including, but not limited to, the following expenses . . . ' . . . but not limited to . . . ' What does that refer to?"

Senator Bottiger: "Senator Rasmussen, if you will read earlier in that paragraph 'parties are allowed by contract to agree to what cost would be paid the prevailing party,' and under this section, if you and I by contract agree that we would submit something to arbitration and share the expense, this section says those are enforceable contracts.

"When you get down to the 'including, but not limited to,' then we set out the specifics. If the parties have not agreed, this is what the judge will consider."

Senator Rasmussen: "Whether witness fees and expenses—that would be part of the cost that would be assigned to the prevailing party?"

Senator Bottiger: "There is a statute that sets up, I believe it is ten dollars, and four cents a mile, is what you can recover for a witness fee. You have to prove you paid him."

Senator Rasmussen: "I recall a recent case in Pierce county where the judge was complaining because there were two hundred witnesses. So you could call any amount of witnesses sustaining your side and would be required to pay for them."

Senator Bottiger: "Senator, judges have a habit of calling you in to chambers and saying that 'you are taking too long, you told me three days, and now it looks as if you are going fifteen'; and they have a lot of tools available to them to keep the attorneys from doing that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3112, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Clarke, Guess, Pullen, Rasmussen, Sellar—5.

ENGROSSED SENATE BILL NO. 3112, 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 Moore, the Senate dispensed with the Call of the Senate.

MOTIONS

On motion of Senator Hurley, the Committee on Parks and Ecology was relieved from further consideration of Senate Bill No. 3409.

On motion of Senator Hurley, Senate Bill No. 3409 was rereferred to the Committee on Local Government.

MOTION

At 12:10 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Monday, February 9, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 9, 1981.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Ridder.

The Color Guard, consisting of Pages Wayne Ellis and Jon Maltos, presented the Colors. Reverend E. S. Brazill, pastor of the Shiloh Baptist Church of Tacoma, offered the prayer.

MOTION

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

REMARKS BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "The Chair would like to announce that I am chairing today because Lieutenant Governor Cherberg is at the dentist. I would also say that it has not gone unnoticed that the first time I chaired there was a motion immediately made to let everybody in this body chair this Senate. The second time I chaired, there were efforts made to have me chair again and it was not supported by my side of the aisle, but today, by virtue of a medical or dental problem with the Lieutenant Governor, I am back."

REPORTS OF STANDING COMMITTEES

February 4, 1981.

SENATE BILL NO. 3006, authorizing the issuance of certificates of presumed death as a result of natural disasters (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3006 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, McCaslin.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3035, modifying eligibility requirements for veterans' free license plates (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3035 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Charnley, Conner, Gallagher, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1981.

SENATE BILL NO. 3043, requiring parent's consent to release youth from residential school (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3043 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, McCaslin.

Passed to Committee on Rules for second reading.

February 4, 1981.

SENATE BILL NO. 3049, revising law relating to confidentiality of records of health care institutions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Craswell, McCaslin.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3143, modifying the authority of port commissions to sell or convey port district property (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3150, modifying library district boundary provisions (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 3150 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3180, revising procedures for examination of certain health care providers by the insurance commissioner (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wojahn, Chairman; Bauer, Bottiger, Clarke, Shinpoch.

Passed to Committee on Rules for second reading.

January 29, 1981.

SENATE BILL NO. 3188, modifying procedures for families in conflict (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3188 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Clarke, Hemstad, Hughes, Newhouse, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

February 3, 1981.

SENATE BILL NO. 3196, increasing the bond requirement for notaries public (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Hayner, Hughes, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3264, modifying procedures for commercial salmon fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

February 3, 1981.

SENATE BILL NO. 3265, modifying the moratorium on salmon charter boat licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Gallagher, Haley, Metcalf, Patterson, Talley, Vognild, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3294, establishing a reward program for information leading to the conviction of arsonists (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Shinpoch.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3296, establishing a state fire protection board (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3296 be substituted therefor, and the substitute bill do pass and be rereferred to Committee on Ways and Means:

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Rereferred to Committee on Ways and Means.

February 5, 1981.

SENATE BILL NO. 3297, permitting anti-arson requirements to be met for issuing or continuing fire insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wojahn, Chairman; Bauer, Bottiger, Clarke, Shinpoch.

Passed to Committee on Rules for second reading.

February 6, 1981.

SENATE BILL NO. 3537, enacting the medical assistance act of 1981 (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3537 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Shinpoch, Woody.

February 6, 1981.

SENATE BILL NO. 3538, relating to chore services (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3538 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Shinpoch, Talmadge, Woody.

February 6, 1981.

SENATE BILL NO. 3539, enacting the general assistance act of 1981 (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3539 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Scott, Shinpoch, Woody.

February 6, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Shinpoch, Talmadge, Woody.

February 6, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, modifying provisions relating to state funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Scott, Woody.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Bills 3537, 3538, 3539 and Engrossed Substitute House Bill No. 206 and Engrossed Second Substitute House Bill No. 209 were placed on today's second reading calendar.

GUBERNATORIAL APPOINTMENT

February 3, 1981.

KAREN RAHM, to the position of Director of the Planning and Community Affairs Agency, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Dean Cole (reported by Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 6, 1981.

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:

Ms. Gayle Rothrock appointed March 13, 1981 for a term ending June 30, 1986 succeeding Marianne Craft Norton as a member of the Pollution Control Hearings Board.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Parks and Ecology.

February 6, 1981.

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:

Beverly A. Freeman appointed February 5, 1981 for a term ending July 16, 1984 succeeding Jon Galt Bowman as a member of the Hospital Commission.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Social and Health Services.

February 6, 1981.

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:

Jon D. Smiley appointed February 5, 1981 for a term ending July 16, 1984 succeeding Sister Charlotte Van Dyke as a member of the Hospital Commission.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Social and Health Services.

February 6, 1981.

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:

Larry Sanford appointed February 3, 1981 for a term ending April 3, 1983 succeeding himself as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Higher Education.

February 6, 1981.

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:

E. Anne Winchester appointed February 3, 1981 for a term ending April 3, 1985 succeeding Robert J. Collins as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Higher Education.

February 6, 1981.

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:

Richard Olivas, appointed February 2, 1981, for a term ending September 30, 1985, succeeding Dr. James E. Brooks as a member of the Board of Trustees for Community College District No. 16.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

February 6, 1981.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 77,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3540, by Senator Moore (by Department of Social and Health Services request):

AN ACT Relating to nuclear energy and radiation; amending section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050; amending section 8, chapter 207, Laws of 1961 as amended by section 5, chapter 88, Laws of 1965 and RCW 70.98.080; and amending section 18, chapter 207, Laws of 1961 as amended by section 8, chapter 88, Laws of 1965 and RCW 70.98.180.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3541, by Senators Gaspard, Gould, Talmadge and Kiskaddon:

AN ACT Relating to the administering of oral medication to students; amending section 19, chapter 192, Laws of 1909 as last amended by section 5, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.030; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3542, by Senators Vognild and Jones:

AN ACT Relating to self-insurers' closure of claims involving medical treatment; and amending section 46, chapter 289, Laws of 1971 ex. sess. as amended by section 43, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.055.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3543, by Senator Williams:

AN ACT Relating to joint operating agencies; amending section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370; amending section 43.52.373, chapter 8, Laws of 1965 and RCW 43.52.373; amending section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250; creating new sections; adding a new section to chapter 43.52 RCW; and providing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3544, by Senators Gaspard, Pullen, Vognild, Talmadge and Bauer:

AN ACT Relating to victims and witnesses of crimes; adding a new chapter to Title 7 RCW; and making an appropriation.

Referred to Committee on Local Government.

SENATE BILL NO. 3545, by Senators Shinpoch and Bottiger:

AN ACT Relating to horses; amending section 29, chapter 54, Laws of 1959 as last amended by section 18, chapter 154, Laws of 1979 and RCW 16.57.290; amending section 3, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.400; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3546, by Senators Moore, Gould and Charnley:

AN ACT Relating to the financing of municipal utilities; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3547, by Senators Bauer, Gould, Bottiger, Woody, Zimmerman, Wojahn, Talley, Gallagher, Kiskaddon, Vognild, Gaspard, Haley and Talmadge:

AN ACT Relating to the department of social and health services; making an appropriation for the fiscal biennium ending June 30, 1983; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3548, by Senator Talley:

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 4, chapter 185, Laws of 1980 and RCW 84.36.381; amending section 26, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.010; amending section 27, chapter 291, Laws of 1975 1st ex. sess. as amended by section 5, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.020; amending section 28, chapter 291, Laws of 1975 1st ex. sess. as amended by section 6, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.030; amending section 30, chapter 291, Laws of 1975 1st ex. sess. as amended by section 8, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.050; amending section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3549, by Senator Metcalf:

AN ACT Relating to motor vehicles; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3550, by Senator Pullen:

AN ACT Relating to excise taxation; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3551, by Senators Kiskaddon, Moore and Goltz:

AN ACT Relating to child welfare services; and amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 165, Laws of 1979 ex. sess. and RCW 74.13.031.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3552, by Senators Vognild, Goltz and Jones (by Department of Employment Security request):

AN ACT Relating to unemployment compensation; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 74, Laws of

1980 and RCW 50.04.323; amending section 2, chapter 153, Laws of 1977 ex. sess. and RCW 50.13.020; amending section 68, chapter 35, Laws of 1945 as last amended by section 6, chapter 73, Laws of 1973 and RCW 50.20.010; amending section 80, chapter 35, Laws of 1945 as last amended by section 3, chapter 74, Laws of 1980 and RCW 50.20.120; amending section 2, chapter 1, Laws of 1971 as last amended by section 11, chapter 292, Laws of 1977 ex. sess. and RCW 50.22.010; amending section 3, chapter 1, Laws of 1971 and RCW 50.22.020; amending section 4, chapter 1, Laws of 1971 and RCW 50.22.030; amending section 20, chapter 3, Laws of 1971 as last amended by section 14, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.030; amending section 22, chapter 3, Laws of 1971 as last amended by section 2, chapter 74, Laws of 1980 and RCW 50.44.050; creating new sections; repealing section 10, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.012; repealing section 22, chapter 292, Laws of 1977 ex. sess. and RCW 50.24.013; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3553, by Senators Peterson, Gallagher and Talley:

AN ACT Relating to wildlife; amending section 28, chapter 15, Laws of 1975 1st ex. sess. as amended by section 2, chapter 24, Laws of 1980 and by section 113, chapter 78, Laws of 1980 and RCW 77.32.191; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 105, chapter 78, Laws of 1980 and RCW 77.32.020; amending section 1, chapter 44, Laws of 1980 and RCW 77.16-.320; amending section 77.16.240, chapter 36, Laws of 1955 as amended by section 92, chapter 78, Laws of 1980 and RCW 77.21.010; amending section 77.32.240, chapter 36, Laws of 1955 as amended by section 119, chapter 78, Laws of 1980 and RCW 77.32.240; repealing section 1, chapter 24, Laws of 1980 and RCW 77.20-.015; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3554, by Senators Bluechel, Fleming, Ridder, Wojahn, Gaspard, Bauer, Zimmerman and Gallagher (by Governor Spellman request, by Secretary of State request, by State Treasurer request):

AN ACT Relating to local economic development; creating new sections; adding new sections to Title 39 RCW as a new chapter thereof; and providing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3555, by Senators Bluechel and Charnley:

AN ACT Relating to institutions of higher education; and amending section 3, chapter 14, Laws of 1979 as amended by section 1, chapter 44, Laws of 1979 and RCW 28B.10.650.

Referred to Committee on Higher Education.

SENATE BILL NO. 3556, by Senators Jones, Deccio and Guess:

AN ACT Relating to unemployment compensation; and amending section 87, chapter 35, Laws of 1945 as last amended by section 3, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.20.190.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3557, by Senators Peterson, Talley and Gallagher:

AN ACT Relating to salmon management; and adding a new section to chapter 75.18 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3558, by Senators Jones, Vognild, Deccio, Guess, Gould, Haley, Fuller and Metcalf:

AN ACT Relating to unemployment compensation; and amending section 68, chapter 35, Laws of 1945 as last amended by section 6, chapter 73, Laws of 1973 and RCW 50.20.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3559, by Senators Wojahn, Peterson, Talmadge, Shinpoch, Bauer, Talley, Vognild and Conner:

AN ACT Relating to motor vehicle liability insurance; amending section 2, chapter 11, Laws of 1979 as amended by section 160, chapter 158, Laws of 1979 and RCW 46.52.030; amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3560, by Senators Goltz and Rasmussen:

AN ACT Relating to special license plates; and amending section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110.

Referred to Committee on Transportation.

SENATE BILL NO. 3561, by Senators Hemstad, Craswell, Guess, Gallagher, Deccio, Zimmerman, McCaslin, Benitz, Hayner, Metcalf and Fuller:

AN ACT Relating to education; amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 9, chapter 359, Laws of 1977 ex. sess. and RCW 28A.02.201; amending section 6, chapter 215, Laws of 1971 ex. sess. as amended by section 4, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.230; amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.01 and 28A.02 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3562, by Senator Lee:

AN ACT Relating to cemetery districts; amending section 6, chapter 6, Laws of 1947 and RCW 68.16.060; and amending section 14, chapter 6, Laws of 1947 as amended by section 40, chapter 126, Laws of 1979 ex. sess. and RCW 68.16.140.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3563, by Senators Quigg and Conner:

AN ACT Relating to beds of navigable waters; and amending section 1, chapter 164, Laws of 1953 and RCW 79.16.530.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3564, by Senators Wilson, Zimmerman, McCaslin and Charnley:

AN ACT Relating to local government; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3565, by Senators Quigg, Fleming and Peterson:

AN ACT Relating to harbor areas; amending section 126, chapter 255, Laws of 1927 and RCW 79.01.504; repealing section 1, chapter 93, Laws of 1917 and RCW 53.32.010; repealing section 2, chapter 93, Laws of 1917 and RCW 53.32.020; repealing section 3, chapter 93, Laws of 1917, section 3, chapter 72, Laws of 1979 and RCW 53.32.050; repealing section 5, chapter 93, Laws of 1917 and RCW 53.32.060; repealing section 4, chapter 93, Laws of 1917 and RCW 53.32.070; and repealing section 6, chapter 93, Laws of 1917 and RCW 53.32.900.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3566, by Senators Jones, Deccio and Guess:

AN ACT Relating to unemployment compensation; and amending section 86, chapter 38, Laws of 1945 as amended by section 7, chapter 215, Laws of 1951 and RCW 50.20.180.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3567, by Senators Craswell, Conner, Quigg and Gallagher:

AN ACT Relating to harbors; and amending section 2, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.525.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3568, by Senators Bluechel, Hayner, Deccio, Jones, Zimmerman, Gallagher, McCaslin, Craswell, Scott, Metcalf, Fuller, Haley, Patterson, Guess and Benitz:

AN ACT Relating to classified personnel actions; amending section 5, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.050; and amending section 10, chapter 1, Laws of 1961 and RCW 41.06.100.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3569, by Senators Quigg and Deccio:

AN ACT Relating to the taxation of mobile homes; and amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3570, by Senators Fuller, Deccio, Guess and Gould:

AN ACT Relating to unemployment compensation; and amending section 120, chapter 35, Laws of 1945 as amended by section 8, chapter 73, Laws of 1973 and RCW 50.32.040.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3571, by Senator Lysen:

AN ACT Relating to ferries; amending section 2, chapter 15, Laws of 1973 1st ex. sess. and RCW 43.79A.020; amending section 1, chapter 80, Laws of 1969 ex. sess. and RCW 43.80.100; amending section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405; amending section 1, chapter 65, Laws of 1975-'76 2nd ex. sess. and RCW 47.04.140; amending section 1, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.023; amending section 2, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.026; amending section 47.28.090, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1971 ex. sess. and RCW 47.28.090; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 66, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.030; amending section 9, chapter 278, Laws of 1961 and RCW 47.56.032; amending section 47.56.050, chapter 13, Laws of 1961 as amended by section 25, chapter 106, Laws of 1973 and RCW 47.56.050; amending section 47.60.010, chapter 13, Laws of 1961 and RCW 47.60.010; amending section 47.60.015, chapter 13, Laws of 1961 and RCW 47.60.015; amending section 47.60.040, chapter 13, Laws of 1961 and RCW 47.60.040; amending section 47.60.113, chapter 13, Laws of 1961 and RCW 47.60.113; amending section 47.60.122, chapter 13, Laws of 1961 and RCW 47.60.122; amending section 47.60.130, chapter 13, Laws of 1961 as last amended by section 6, chapter 189, Laws of 1979 ex. sess. and RCW 47.60.130; amending section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140; amending section 47.60.160, chapter 13, Laws of 1961 and RCW 47.60.160; amending section 1, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.282; amending section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; amending section 18, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.350; amending section 20, chapter 7,

Laws of 1961 ex. sess. and RCW 47.60.370; amending section 22, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.390; amending section 1, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.400; amending section 9, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.470; amending section 1, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.500; amending section 1, chapter 27, Laws of 1979 and RCW 47.60.502; amending section 2, chapter 27, Laws of 1979 and RCW 47.60.503; amending section 2, chapter 85, Laws of 1970 ex. sess. as last amended by section 3, chapter 27, Laws of 1979 and RCW 47.60.505; amending section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540; amending section 8, chapter 27, Laws of 1979 and RCW 47.60.544; amending section 1, chapter 69, Laws of 1975-'76 2nd ex. sess. and RCW 47.60.550; amending section 1, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.560; amending section 6, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.610; amending section 2, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.660; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; amending section 47.64.040, chapter 13, Laws of 1961 as last amended by section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; amending section 47.64.080, chapter 13, Laws of 1961 and RCW 47.64.080; amending section 47.65.060, chapter 13, Laws of 1961 and RCW 47.65.060; amending section 47.65.080, chapter 13, Laws of 1961 and RCW 47.65.080; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 69, Laws of 1977 ex. sess. and RCW 49.46.010; amending section 18, chapter 236, Laws of 1959 and RCW 53.34.180; reenacting and amending section 1, chapter 166, Laws of 1921 as last amended by section 5, chapter 166, Laws of 1977 ex. sess. and by section 1, chapter 205, Laws of 1977 ex. sess. and RCW 60.28.010; creating a new chapter in Title 47 RCW; repealing section 47.56.010, chapter 13, Laws of 1961 and RCW 47.56.010; repealing section 47.56.040, chapter 13, Laws of 1961 and RCW 47.56.040; repealing section 47.56.042, chapter 13, Laws of 1961 and RCW 47.56.042; repealing section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045; repealing section 47.60.280, chapter 13, Laws of 1961 and RCW 47.60.280; repealing section 2, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.283; repealing section 47.60.290, chapter 13, Laws of 1961, section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; repealing section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650; repealing section 1, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.010; repealing section 2, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.020; and repealing section 47.65.091, chapter 13, Laws of 1961 and RCW 47.65.091.

Referred to Committee on Transportation.

SENATE BILL NO. 3572, by Senators Jones, Vognild, Deccio, Guess, Benitz, Fuller and Haley:

AN ACT Relating to unemployment compensation; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3573, by Senators Lee, Woody and Pullen:

AN ACT Relating to the governor; and amending section 43.06.040, chapter 8, Laws of 1965 and RCW 43.06.040.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3574, by Senator Rasmussen:

AN ACT Relating to unemployment compensation; and amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 74, Laws of 1980 and RCW 50.04.323.

Referred to Committee on State Government.

SENATE BILL NO. 3575, by Senator Lee:

AN ACT Relating to local government; and amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030.

Referred to Committee on Local Government.

SENATE BILL NO. 3576, by Senators Charnley and Zimmerman:

AN ACT Relating to urban service areas; and creating a new chapter in Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3577, by Senator Charnley:

AN ACT Relating to natural hazards; adding a new chapter to Title 70 RCW; and making appropriations.

Referred to Committee on Local Government.

SENATE BILL NO. 3578, by Senators Goltz, Conner, Lee, Gallagher, Talley and Quigg:

AN ACT Relating to state aquatic lands; adding new sections to chapter 79.01 RCW; adding new sections to chapter 53.32 RCW; repealing section 130, chapter 255, Laws of 1927, section 3, chapter 97, Laws of 1969 ex. sess., section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; repealing section 3, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.521; and repealing section 2, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.525.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3579, by Senators Lee, Conner and Bluechel:

AN ACT Relating to the public disclosure commission; and amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3580, by Senators Guess and Hansen:

AN ACT Relating to department of transportation records; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3581, by Senators Benitz, Hansen and Gaspard:

AN ACT Relating to the conservation, utilization, development, and management of water resources; amending section 12, chapter 1, Laws of 1931 and RCW 54.04.030; amending section 2, chapter 390, Laws of 1955 as amended by section 6, chapter 106, Laws of 1969 and RCW 54.16.010; amending section 3, chapter 390, Laws of 1955 and RCW 54.16.020; amending section 4, chapter 390, Laws of 1955 and RCW 54.16.030; amending section 6, chapter 390, Laws of 1955 and RCW 54.16.050; adding new sections to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Agriculture.

SENATE BILL NO. 3582, by Senators Lee, Moore, Kiskaddon and Ridder:

AN ACT Relating to abuse of dependent elderly persons; amending section 1, chapter 13, Laws of 1965 as last amended by section 24, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as last amended by section 25, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 26, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 27, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 51, chapter 291, Laws of 1977 ex. sess. and RCW 26.44.050; and amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 29, chapter 80, Laws of 1977 ex. sess. and RCW 26.44.070.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3583, by Senators Moore, Craswell, Talmadge, Goltz, McCaslin, Deccio, Ridder, Metcalf and Patterson:

AN ACT Relating to corrections; amending section 2, chapter 316, Laws of 1977 ex. sess. as amended by section 11, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.020; amending section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.180; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 7, chapter 133, Laws of 1955 as last amended by section 1, chapter 141, Laws of 1979 and RCW 9.95.060; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 as amended by section 3, chapter 141, Laws of 1979 and RCW 9.95.121; amending section 6, chapter 98, Laws of 1969 as amended by section 4, chapter 141, Laws of 1979 and RCW 9.95.124; amending section 3, chapter 114, Laws of 1935 as last amended by section 5, chapter 141, Laws of 1979 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as last amended by section 6, chapter 141, Laws of 1979 and RCW 9.95.200; amending section 1, chapter 19, Laws of 1980 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as last amended by section 8, chapter 141, Laws of 1979 and RCW 9.95.250; amending section 7, chapter 114, Laws of 1935 as last amended by section 9, chapter 141, Laws of 1979 and RCW 9.95.260; amending section 3, chapter 217, Laws of 1961 as amended by section 2, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.320; amending section 4, chapter 217, Laws of 1961 as amended by section 3, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.330; amending section 5, chapter 217, Laws of 1961 as amended by section 4, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.340; amending section 6, chapter 217, Laws of 1961 as amended by section 5, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.350; amending section 7, chapter 217, Laws of 1961 as amended by section 6, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.360; amending section 8, chapter 217, Laws of 1961 as amended by section 7, chapter 31, Laws of 1971 ex. sess. and RCW 9.95.370; amending section 2, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.020; amending section 3, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.030; amending section 4, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.040; amending section 8, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.080; amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.040; amending section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 206, Laws of 1977 ex. sess. and RCW 9A.32.047; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.040; amending section 11.08.101, chapter 145, Laws of 1965 as amended by section 10, chapter 141, Laws of 1979 and RCW 11.08.101; amending section 11.08.120, chapter 145, Laws of 1965 as amended by section 11, chapter 141, Laws of 1979 and RCW 11.08.120; amending section 2, chapter 103, Laws of 1969 as amended by section 2, chapter 4, Laws of 1969 ex. sess. and RCW 36.63.255; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 45, chapter 141, Laws of 1979 and RCW 43.19.450; amending section 3, chapter 104, Laws of 1967 as amended by section 130, chapter 141, Laws of 1979 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as last amended by section 131, chapter 141, Laws of 1979 and RCW 71.06.140; amending section 72.01.010, chapter 28, Laws of 1959 as last amended by section 142, chapter 141, Laws of 1979 and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as last amended by section 143, chapter 141, Laws of 1979 and RCW 72.01.042; amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter

141, Laws of 1979 and RCW 72.01.050; amending section 72.01.210, chapter 28, Laws of 1959 as last amended by section 154, chapter 141, Laws of 1979 and RCW 72.01.210; amending section 72.01.240, chapter 28, Laws of 1959 as amended by section 155, chapter 141, Laws of 1979 and RCW 72.01.240; amending section 1, chapter 210, Laws of 1959 as amended by section 159, chapter 141, Laws of 1979 and RCW 72.01.282; amending section 1, chapter 40, Laws of 1959 as amended by section 164, chapter 141, Laws of 1979 and RCW 72.01.370; amending section 2, chapter 40, Laws of 1959 as amended by section 165, chapter 141, Laws of 1979 and RCW 72.01.380; amending section 1, chapter 140, Laws of 1959 as amended by section 166, chapter 141, Laws of 1979 and RCW 72.01.410; amending section 1, chapter 193, Laws of 1961 as last amended by section 167, chapter 141, Laws of 1979 and RCW 72.01.430; amending section 1, chapter 46, Laws of 1967 as last amended by section 168, chapter 141, Laws of 1979 and RCW 72.01.450; amending section 2, chapter 46, Laws of 1969 ex. sess. as amended by section 171, chapter 141, Laws of 1979 and RCW 72.01.460; amending section 1, chapter 50, Laws of 1970 ex. sess. as amended by section 172, chapter 141, Laws of 1979 and RCW 72.01.480; amending section 72.02.040, chapter 28, Laws of 1959 as amended by section 57, chapter 18, Laws of 1970 ex. sess. and RCW 72.02.040; amending section 2, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.110; amending section 7, chapter 134, Laws of 1967 as amended by section 173, chapter 141, Laws of 1979 and RCW 72.04A.050; amending section 9, chapter 134, Laws of 1967 as amended by section 174, chapter 141, Laws of 1979 and RCW 72.04A.070; amending section 10, chapter 134, Laws of 1967 as amended by section 175, chapter 141, Laws of 1979 and RCW 72.04A.080; amending section 11, chapter 134, Laws of 1967 as last amended by section 176, chapter 141, Laws of 1979 and RCW 72.04A.090; amending section 3, chapter 9, Laws of 1965 ex. sess. as amended by section 188, chapter 141, Laws of 1979 and RCW 72.08.101; amending section 4, chapter 9, Laws of 1965 ex. sess. as amended by section 189, chapter 141, Laws of 1979 and RCW 72.08.102; amending section 72.08.380, chapter 28, Laws of 1959 as amended by section 192, chapter 141, Laws of 1979 and RCW 72.08.380; amending section 72.12.020, chapter 28, Laws of 1959 as amended by section 193, chapter 141, Laws of 1979 and RCW 72.12.020; amending section 72.12.140, chapter 28, Laws of 1959 as amended by section 198, chapter 141, Laws of 1979 and RCW 72.12.140; amending section 1, chapter 214, Laws of 1959 as amended by section 199, chapter 141, Laws of 1979 and RCW 72.13.010; amending section 4, chapter 214, Laws of 1959 as amended by section 200, chapter 141, Laws of 1979 and RCW 72.13.040; amending section 6, chapter 214, Laws of 1959 as amended by section 202, chapter 141, Laws of 1979 and RCW 72.13.060; amending section 7, chapter 214, Laws of 1959 as amended by section 203, chapter 141, Laws of 1979 and RCW 72.13.070; amending section 12, chapter 214, Laws of 1959 as amended by section 206, chapter 141, Laws of 1979 and RCW 72.13.120; amending section 1, chapter 122, Laws of 1967 ex. sess. as amended by section 211, chapter 141, Laws of 1979 and RCW 72.15.010; amending section 8, chapter 122, Laws of 1967 ex. sess. as amended by section 134, chapter 81, Laws of 1971 and RCW 72.15.060; amending section 72.23.010, chapter 28, Laws of 1959 as last amended by section 2, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.010; amending section 72.60.100, chapter 28, Laws of 1959 as amended by section 1, chapter 40, Laws of 1972 ex. sess. and RCW 72.60.100; amending section 2, chapter 40, Laws of 1972 ex. sess. as amended by section 3, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.102; amending section 72.60.160, chapter 28, Laws of 1959 as amended by section 260, chapter 141, Laws of 1979 and RCW 72.60.160; amending section 72.60.190, chapter 28, Laws of 1959 as amended by section 4, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.190; amending section 72.60.220, chapter 28, Laws of 1959 and RCW

72.60.220; amending section 5, chapter 273, Laws of 1959 as last amended by section 5, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.280; amending section 4, chapter 7, Laws of 1972 ex. sess. and RCW 72.62.040; amending section 1, chapter 17, Laws of 1967 as amended by section 274, chapter 141, Laws of 1979 and RCW 72.65.010; amending section 8, chapter 17, Laws of 1967 as last amended by section 279, chapter 141, Laws of 1979 and RCW 72.65.080; amending section 10, chapter 17, Laws of 1967 as amended by section 280, chapter 141, Laws of 1979 and RCW 72.65.100; amending section 2, chapter 58, Laws of 1971 ex. sess. as amended by section 2, chapter 20, Laws of 1973 and RCW 72.66.010; amending section 1, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.031; amending section 2, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.032; amending section 72.68-.040, chapter 28, Laws of 1959 as last amended by section 284, chapter 141, Laws of 1979 and RCW 72.68.040; amending section 2, chapter 287, Laws of 1959 as amended by section 290, chapter 141, Laws of 1979 and RCW 72.70.020; amending section 5, chapter 287, Laws of 1959 as amended by section 292, chapter 141, Laws of 1979 and RCW 72.70.050; amending section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.13 RCW; adding a new section to chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 72.68 RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing section 3, chapter 178, Laws of 1933 and RCW 19.20.010; repealing section 1, chapter 294, Laws of 1927, section 1, chapter 178, Laws of 1933, section 1, chapter 73, Laws of 1970 ex. sess., section 1, chapter 44, Laws of 1975 and RCW 19.20.020; repealing section 2, chapter 294, Laws of 1927, section 2, chapter 178, Laws of 1933 and RCW 19.20.060; repealing section 5, chapter 178, Laws of 1933 and RCW 19.20.900; repealing section 3, chapter 294, Laws of 1927 and RCW 19.20.910; repealing section 31, chapter 99, Laws of 1979 and RCW 43.131.209; repealing section 73, chapter 99, Laws of 1979 and RCW 43.131.210; repealing section 72.08.170, chapter 28, Laws of 1959, section 32, chapter 106, Laws of 1973 and RCW 72.08.170; repealing section 72.60.010, chapter 28, Laws of 1959, section 254, chapter 141, Laws of 1979 and RCW 72.60.010; repealing section 72.60.020, chapter 28, Laws of 1959, section 255, chapter 141, Laws of 1979 and RCW 72.60-.020; repealing section 72.60.030, chapter 28, Laws of 1959, section 256, chapter 141, Laws of 1979 and RCW 72.60.030; repealing section 72.60.040, chapter 28, Laws of 1959, section 257, chapter 141, Laws of 1979 and RCW 72.60.040; repealing section 72.60.050, chapter 28, Laws of 1959 and RCW 72.60.050; repealing section 72.60.060, chapter 28, Laws of 1959, section 169, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 72.60.060; repealing section 72.60.070, chapter 28, Laws of 1959 and RCW 72.60.070; repealing section 72.60.080, chapter 28, Laws of 1959 and RCW 72.60.080; repealing section 72.60.090, chapter 28, Laws of 1959, section 258, chapter 141, Laws of 1979 and RCW 72.60.090; repealing section 72.60.120, chapter 28, Laws of 1959 and RCW 72.60.120; repealing section 72.60.130, chapter 28, Laws of 1959, section 259, chapter 141, Laws of 1979, section 2, chapter 160, Laws of 1979 ex. sess. and RCW 72.60.130; repealing section 72.60.140, chapter 28, Laws of 1959 and RCW 72.60.140; repealing section 72.60.150, chapter 28, Laws of 1959 and RCW 72.60.150; repealing section 72.60.170, chapter 28, Laws of 1959 and RCW 72.60.170; repealing section 72.60.180, chapter 28, Laws of 1959 and RCW 72.60.180; repealing section 72.60.200, chapter 28, Laws of 1959, section 261, chapter 141, Laws of 1979 and RCW 72.60.200; repealing section 72.60.210, chapter 28, Laws of 1959 and RCW 72.60.210; repealing section 72.60.230, chapter 28, Laws of 1959 and RCW 72.60.230; repealing section 1, chapter 273, Laws of 1959, section 263, chapter 141, Laws of 1979 and RCW 72.60.240; repealing section 2,

chapter 273, Laws of 1959, section 262, chapter 141, Laws of 1979 and RCW 72.60.250; repealing section 3, chapter 273, Laws of 1959, section 264, chapter 141, Laws of 1979 and RCW 72.60.260; repealing section 4, chapter 273, Laws of 1959, section 11, chapter 189, Laws of 1971 ex. sess., section 173, chapter 151, Laws of 1979 and RCW 72.60.270; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3584, by Senators Goltz and Pullen:

AN ACT Relating to state archives and records; amending section 2, chapter 246, Laws of 1957 and RCW 40.14.020; amending section 43.19.015, chapter 8, Laws of 1965 and RCW 43.19.015; amending section 43.58.070, chapter 8, Laws of 1965 and RCW 43.58.070; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3585, by Senators Newhouse, Talmadge and Wojahn:

AN ACT Relating to crimes; amending section 2, chapter 133, Laws of 1955 and RCW 9.95.010; amending section 1, chapter 138, Laws of 1961 and RCW 9.95.015; adding a new section to chapter 9.95 RCW; adding a new chapter to Title 9 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3586, by Senators Peterson, Talley and Gallagher:

AN ACT Relating to salmon enhancement; amending section 2, chapter 308, Laws of 1977 ex. sess. as amended by section 1, chapter 15, Laws of 1980 and RCW 75.48.020; and amending section 5, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.050.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3587, by Senator Gaspard:

AN ACT Relating to education; amending section 3, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.754; amending section 2, chapter 46, Laws of 1973 as last amended by section 2, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.130; amending section 2, chapter 46, Laws of 1973 as last amended by section 12, chapter 154, Laws of 1980 and RCW 28A.41.130; amending section 28A.58.370, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.370; amending section 28A.01.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 286, Laws of 1977 ex. sess. and RCW 28A.01.020; amending section 28A.59.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.180; creating new sections; repealing section 28A.35.010, chapter 223, Laws of 1969 ex. sess., section 1, chapter 105, Laws of 1972 ex. sess. and RCW 28A.35.010; repealing section 28A.35.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.020; repealing section 28A.35.030, chapter 223, Laws of 1969 ex. sess., section 13, chapter 48, Laws of 1971, section 59, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 6, Laws of 1980 and RCW 28A.35.030; repealing section 28A.35.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.070; repealing section 28A.58.180, chapter 223, Laws of 1969 ex. sess., section 3, chapter 105, Laws of 1972 ex. sess. and RCW 28A.58.180; and providing an effective date for a section hereof.

Referred to Committee on Education.

SENATE BILL NO. 3588, by Senators Gaspard, Wojahn, Vognild and McDermott:

AN ACT Relating to education; amending section 3, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 250, Laws of 1979 ex. sess. and

RCW 28A.58.754; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 3, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.140; amending section 2, chapter 46, Laws of 1973 as last amended by section 2, chapter 250, Laws of 1979 ex. sess. and RCW 28A.41.130; amending section 2, chapter 46, Laws of 1973 as last amended by section 12, chapter 154, Laws of 1980 and RCW 28A.41.130; amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; repealing section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092; making an effective date; and providing for the expiration of a section hereof.

Referred to Committee on Education.

SENATE BILL NO. 3589, by Senators Talley and Guess (by Utilities and Transportation Commission request):

AN ACT Relating to transportation tariffs; amending section 81.28.050, chapter 14, Laws of 1961 and RCW 81.28.050; and amending section 81.80.150, chapter 14, Laws of 1961 as amended by section 11, chapter 115, Laws of 1973 and RCW 81.80.150.

Referred to Committee on Transportation.

SENATE BILL NO. 3590, by Senator McCaslin:

AN ACT Relating to competitive bidding; and amending section 36.82.130, chapter 4, Laws of 1963 as amended by section 13, chapter 182, Laws of 1969 ex. sess. and RCW 36.82.130.

Referred to Committee on Local Government.

SENATE BILL NO. 3591, by Senators Craswell, Bottiger and Guess:

AN ACT Relating to counties; amending section 2, chapter 72, Laws of 1967 and RCW 36.94.020; amending section 20, chapter 72, Laws of 1967 and RCW 36.94.200; amending section 22, chapter 72, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220; amending section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230; amending section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240; amending section 27, chapter 72, Laws of 1967 and RCW 36.94.270; and adding new sections to chapter 36.94 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3592, by Senators Craswell and Woody:

AN ACT Relating to county revenue bonds; amending section 2, chapter 142, Laws of 1965 as amended by section 2, chapter 8, Laws of 1969 ex. sess. and RCW 36.67.520; and amending section 3, chapter 142, Laws of 1965 as last amended by section 50, chapter 56, Laws of 1970 ex. sess. and RCW 36.67.530.

Referred to Committee on Local Government.

SENATE BILL NO. 3593, by Senators Craswell, Bottiger and Guess:

AN ACT Relating to municipal water and sewer facilities; and amending section 35.91.020, chapter 7, Laws of 1965 as amended by section 1, chapter 113, Laws of 1967 and RCW 35.91.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3594, by Senators Craswell and Bottiger:

AN ACT Relating to local improvement districts; and amending section 35.49.020, chapter 7, Laws of 1965 as amended by section 14, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3595, by Senators Williams and Gould (by Utilities and Transportation Commission request):

AN ACT Relating to public utilities; and amending section 80.12.020, chapter 14, Laws of 1961 and RCW 80.12.020.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3596, by Senators Peterson, Conner and Gallagher:

AN ACT Relating to free hunting and fishing licenses; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 117, chapter 78, Laws of 1980 and RCW 77.32.230.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3597, by Senator McDermott:

AN ACT Relating to supplemental appropriations.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 105, by Senators Hurley, Conner, Sellar, Lee, Scott, Deccio, Lysen, Hansen, Rasmussen, Wilson, Metcalf, McCaslin, Pullen, Craswell, Benitz, Hayner, Fuller, Quigg, Peterson, Haley, Talley, Clarke, Patterson, Gallagher, Vognild and Moore:

Requesting Congress to amend the Constitution to require a balanced federal budget.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 115, by Senators Scott, Fleming, Lee, Wajahn, Gaspard, Bauer, Zimmerman, Sellar and Gallagher (by Governor Spellman request, by State Treasurer request, by Secretary of State request):

Proposing Constitutional amendment allowing state and municipal corporations and public corporations acting on their behalf to issue revenue bonds.

Referred to Committee on Ways and Means.

FIRST READING OF HOUSE BILL

ENGROSSED HOUSE BILL NO. 77, by Representatives Addison, Erak, Garson, Greengo, Brown, Dickie, Barrett, Teutsch, Patrick, Hankins, Taylor, Johnson, Hastings, Sanders, Houchen, Granlund, McGinnis, Warnke and Lewis:

Authorizing legislative review of agency rules by a joint select committee with power to suspend.

Referred to Committee on State Government.

MOTION

At 10:32 a.m., on motion of Senator Bottiger, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

At 11:45 a.m., the Senate was called to order by President Pro Tempore Goltz.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of House Concurrent Resolution No. 2 from February 2, 1981.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Isaacson, Valle, Bond, Sherman and Sanders (by Joint Ad Hoc Committee on Science and Technology request):

Creating a 1981 Joint Ad Hoc Committee on Science and Technology.

MOTIONS

On motion of Senator Bottiger, Senator Ridder was excused for the purpose of the single vote on House Concurrent Resolution No. 2.

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 2 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 2, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Ridder—1.

HOUSE CONCURRENT RESOLUTION NO. 2, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bottiger, the following resolution was returned to the Committee on Rules:

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Goltz, Shinpoch and Hayner (by Joint Ad Hoc Committee on Science and Technology request):

Creating a 1981 Joint Ad Hoc Committee on Science and Technology.

MOTION

At 11:55 a.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Talley, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—12

By Senate Vice President Pro Tempore Don L. Talley, Lieutenant Governor John A. Cherberg, Senators R. Ted Bottiger and John D. Jones, and Secretary of the Senate Sid Snyder:

WHEREAS, John M. McClelland, Sr., founding publisher of the Longview Daily News, passed away February 5; and

WHEREAS, Mr. McClelland, a community leader and a member of the first Longview City Council, established his newspaper, The Daily News, in 1923, and was active as a newspaperman all his life; and

WHEREAS, As an editor and publisher, Mr. McClelland was instrumental in the founding of Allied Daily Newspapers, a regional association of daily newspapers and was the organization's first president, and in 1960 was elected president emeritus of Allied Daily Newspapers, a position he held until his death; and

WHEREAS, Mr. McClelland was chairman of the first Longview Library Board, helped organize the Y.M.C.A. and the Community Church and was a charter member of the Longview Elks, Masonic Lodge, Harlequin Club, Longview Rotary Club, Longview Country Club and the '23 Club; and

WHEREAS, Mr. McClelland lived to see The Longview Daily News grow into a six-day publication with circulation of over 27,500, and he saw the newspaper expand to include an ownership in Cowlitz Cableview Company, half ownership of the St. Helens (Oregon) Sentinel-Mist and Chronicle, ownership of the Port Angeles Daily News and the Bellevue Journal-American; and

WHEREAS, The City of Longview, Cowlitz County and the State of Washington all are indebted to Mr. McClelland for his leadership as an editor and publisher;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby extend the deepest condolences on the passing of Mr. McClelland to the members of his family, his son, John M. McClelland, Jr., his daughter, Sue Natt, and grandson, Ted Natt, the present editor and publisher of the Longview Daily News; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to forward copies of this resolution to the McClelland family.

REMARKS BY SENATOR TALLEY

Senator Talley: "This man was one of the founders of the city of Longview, instrumental in a lot of things that happened there.

"He lived to see it grow into a real fine community.

"He has been a community leader and a very fine gentleman all his life.

"I am very proud to have known him."

MOTION

On motion of Senator Moore, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—8

By Senator Ray Moore and Lieutenant Governor John A. Cherberg:

WHEREAS, One of Washington State's and Seattle's most distinguished citizens, the Honorable Dominic Pietro Giovanni Paduano died on January 27 at the age of 78; and

WHEREAS, Mr. Paduano, son of immigrant parents, spent his entire life in Seattle and dedicated this life to the richest ideals of his Italian-American heritage of strong spiritual goals, productive labor, concern for others, community involvement, responsible citizenship, joyous social participation; and

WHEREAS, Mr. Paduano was known and loved as "Pee Gee" for his dedication to the "Pay Guarantee" principle for which he worked within Teamsters Local 174 as driver, then full-time organizer and Executive Board member prior to his retirement; and

WHEREAS, Mr. Paduano was an effective political worker within his party, a vigorous lay voice within his church, an accomplished chef whose Italian cuisine

highlighted many lunches at the Catholic Seamen's Club where he served on the Board of Directors; and

WHEREAS, Mr. Paduano cherished above all personal memories an audience for him and his wife, Ruth, with then Pope Paul VI, arranged through the Reverend Thomas Connolly, Archbishop of Seattle at the time, and in conjunction with the retirement gift of a trip to Rome for Mr. and Mrs. Paduano from Arnie Weinmeister, President of Teamsters Joint Council 28; and

WHEREAS, Mr. Paduano was a man of modest formal education but vast perception and insight, an aggressive advocate of those causes in which he believed, an enthusiastically optimistic man of enduring loyalties and contagious good cheer whose contributions to his city and state shall endure in the minds and hearts of his host of friends and colleagues;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does extend to Mr. Paduano's beloved wife, Ruth, and to his family its profound prayers and condolences at this time of his passing; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to deliver to Mrs. Paduano, other members of his family, and Mr. Weinmeister, a copy of this resolution.

REMARKS BY SENATOR MOORE

Senator Moore: "Ladies and Gentlemen, I think that I would be somewhat less than honest if I did not tell you what a great person P. G. Paduano was.

"He was always available to help anybody in need. He was early on in every forward-looking movement that came before the people in King county, the city of Seattle, and in the district which I am pleased to represent.

"I have to say that of all the people that I have known in our district, I think nobody made such a worthwhile contribution and was as inspirational as P. G. Paduano. Thank you."

MOTION

At 1:43 p.m., on motion of Senator Bottiger, the Senate recessed until 2:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:45 p.m.

Senators Bottiger, Talley and Goltz demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Bottiger, the Senate proceeded under the Call of the Senate.

MOTIONS

On motion of Senator Bottiger, the Senate commenced consideration of Engrossed Substitute House Bill No. 206.

On motion of Senator Bottiger, the rules were suspended and the Senate did not resolve itself into a Committee of the Whole to consider Engrossed Substitute House Bill No. 206.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways and Means (originally sponsored by Representative Chandler):

Adopting a supplemental budget.

The report by the Committee on Ways and Means was read in the Senate today. The rules were suspended and the bill was placed on the second reading calendar. The report from the Committee on Ways and Means was signed out by Senators McDermott, Chairman; Gaspard, First Vice Chairman; Wojahn, Second Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Shinpoch, Talmadge and Woody with the recommendation that it do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in this 1981 act is hereby adopted and, subject to the provisions set forth in this 1981 act, the several amounts specified in this 1981 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

Sec. 2. Section 59, chapter 270, Laws of 1979 ex. sess. as amended by section 11, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME MAINTENANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	((310,017,000)) 376,385,000
General Fund Appropriation—Federal	\$	((205,932,000)) 277,864,000
Total Appropriation	\$	((515,949,000)) 654,249,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) ~~(((\$31,928,000 (of which \$10,052,000 shall be from federal funds) shall be expended for the purposes of providing a 10.0% per year increase to all assistance grants:~~

~~((2)))~~ \$1,496,000 from state funds shall be expended to increase the personal needs allowance of clients in nursing homes and congregate care facilities to \$32.50 per month.

~~((3)))~~ (2) \$5,036,000 (of which \$448,000 shall be from federal funds) shall be expended solely for vendor rate increases of 7.0% per year.

~~((4)))~~ (3) \$760,000 from state general funds shall be expended to provide forty-eight hours of shelter care for victims of domestic violence.

~~((5)))~~ (4) \$360,000 from state general funds shall be expended to provide a variable one-time allowance for persons without resources who are discharged from a skilled nursing facility.

~~((6)))~~ (5) \$900,000 of state funds and \$600,000 of federal funds shall be expended to place Kitsap county residents into Area I grant standards eligibility and pay such grants accordingly.

~~((7)))~~ (6) Not more than \$1,869,000 shall be expended exclusively to increase compensation for employees of congregate care facilities, excluding administrative staff.

~~((8)))~~ (7) From the appropriation contained in this section, the department shall implement a 1.0% grant standard increase for all public assistance recipients

effective July 1, 1980, in addition to the grant increase provided in subsection (1) of this section; except that, up to an additional 2.0% grant standard increase for all public assistance recipients may be implemented from the savings generated by the supplemental security income cost-of-living increase provided for fiscal year 1981.

(8) The department shall continue the four percent rateable reduction applied to standards of assistance as implemented November 1, 1980.

Sec. 3. Section 60, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES GRANTS PROGRAM**

General Fund Appropriation—State	\$	((79,755,000))
		<u>82,853,000</u>
General Fund Appropriation—Federal	\$	((65,624,000))
		<u>68,001,000</u>
General Fund Appropriation—Local	\$	100,000
Total Appropriation	\$	((145,479,000))
		<u>150,854,000</u>

The appropriations contained in this section shall be subject to the following conditions and limitations:

~~((4)) (1) \$161,000 from state funds shall be provided to the department of personnel alcoholism program for state employees stationed in eastern Washington, except that this program shall be initiated in eastern Washington by January 1, 1980; otherwise the funds shall revert to the general fund.~~

~~((5) \$866,000, of which \$434,000 shall be from federal funds, shall be expended to provide enhancement of the foster care program, including the establishment of a foster parent's property damage or loss fund, an increase in the clothing allowance, and a children's needs assessment.~~

~~(6)) (2) Reimbursement to private child caring agencies responsible for foster care placement shall be increased from \$33 per month per child to \$50 per month per child.~~

Sec. 4. Section 61, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	((201,114,000))
		<u>240,775,000</u>
General Fund Appropriation—Federal	\$	((148,435,000))
		<u>180,667,000</u>
Total Appropriation	\$	((349,549,000))
		<u>421,442,000</u>

The appropriations contained in this section shall be subject to the following condition((s)) and limitation((s)):

~~((1) \$23,743,000 (of which \$9,628,000 shall be from federal funds) shall be expended solely for inflationary increases for hospitals.~~

~~(2) \$23,236,000 (of which \$10,307,000 shall be from federal funds) shall be expended solely for inflationary increases for medical vendors other than hospitals.)~~

No funds shall be expended for the following optional services, as defined in Title XIX of the federal social security act, for the period from March 1, 1981, through June 30, 1981:

(1) Dental, except for early and periodic screening, diagnosis, and treatment for children (EPSDT);

(2) Chiropractic;

(3) Podiatry; and

(4) Federal assistance for medical care only (FAMCO).

NEW SECTION. Sec. 5. FOR THE STATE TREASURER—
TRANSFERS

General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 30, 1981, an amount up to \$18,000,000 (in addition to amounts appropriated in section 171, chapter 270, Laws of 1979 ex. sess.)	\$ 18,000,000
State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before July 20, 1981, an amount up to \$11,600,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1982, for credit to the fiscal year in which earned (in addition to amounts appropriated in section 171, chapter 270, Laws of 1979 ex. sess.)	\$ 11,600,000
General Fund—Reserve for Accrued Revenue Account Appropriation: For transfer to the General Fund on or before June 30, 1981, the balance in the Reserve for Accrued Revenue Account (as a result of the enactment of chapter —, Laws of 1981)	\$ 82,078,000
General Fund—State Timber Tax Reserve Account Appropriation: For transfer to the General Fund on or before June 30, 1981	\$ 13,500,000

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

The bill was read the second time by sections.
 Senator McDermott moved adoption of the committee amendment.
 Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, many of us have a concern about the cutting out of services, chiropractic services, dental services, podiatry services, and FAMCO for the poor. Many of us want to be assured that in the biennial budget we are not making any decisions in this proposed supplemental budget that will affect the policy decisions we make with respect to the biennial budget. Comments, please."

Senator McDermott: "Senator Talmadge, the substantive legislation and the budget which we are adopting here, contain a cutoff on the thirtieth of June on this withholding of the services which we have provided in the past."

"There is nothing in the law, nor is it my intention to end those services. It is merely a short-term way to save some money; we have cut out FAMCO, we have cut out a lot of things which I think, in the long run, we ought to have a debate about, whether we need the additional money to provide those. But I do not see this as making the final decision."

Further debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the committee amendment to Engrossed Substitute House Bill No. 206.

ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 25, nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

MOTION

On motion of Senator McDermott, the following committee amendment to the title was adopted:

On page 1, line 3 of the title, after "appropriations;" strike the remainder of the title and insert "amending section 59, chapter 270, Laws of 1979 ex. sess. as amended by section 11, chapter 167, Laws of 1980 (uncodified); amending section 60, chapter 270, Laws of 1979 ex. sess. (uncodified); amending section 61, chapter 270, Laws of 1979 ex. sess. (uncodified); and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 206, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 206, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, Williams, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Craswell, Deccio, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Sellar, Talmadge, von Reichbauer, Wilson, Zimmerman—24.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, 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 Bottiger, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 209.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, by Committee on Ways and Means (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions relating to state funds.

The report by the Committee on Ways and Means was read in the Senate today. The rules were suspended and the bill was placed on the second reading calendar. The report from the Committee on Ways and Means was signed out by Senators McDermott, Chairman; Gaspard, First Vice Chairman; Wojahn, Second Vice Chairman; Bauer, Fleming, Goltz, Hughes, Rasmussen, Ridder, Scott, Talmadge and Woody with the recommendation that it do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 48.14 RCW a new section to read as follows:

(1) Every insurer with a tax obligation under RCW 48.14.020 shall make prepayment of the tax obligations under RCW 48.14.020 for the current calendar year's business, if the sum of the tax obligations under RCW 48.14.020 for the preceding calendar year's business is ten thousand dollars or more.

(2) The commissioner shall credit the prepayment toward the appropriate tax obligations of the insurer for the current calendar year under RCW 48.14.020.

(3) The minimum amounts of the prepayments shall be percentages of the insurer's tax obligation based on the preceding calendar year's business and shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent; and

(c) On or before December 15, twenty-five percent.

The commissioner may approve prepayments of lesser amounts if the insurer demonstrates, to the commissioner's satisfaction, that a reduction in current calendar year premium volume will result in a lesser tax liability than for the preceding year. Any approved revised prepayment schedule must equal ninety-five percent of the total tax liability for the current calendar year.

(4) The effect of transferring policies of insurance from one insurer to another insurer is to transfer the tax prepayment obligation with respect to the policies.

(5) On or before June 1 of each year, the commissioner shall notify each insurer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the insurer. However, an insurer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the insurer to receive, the notice or forms.

Sec. 2. Section .14.06, chapter 79, Laws of 1947 and RCW 48.14.060 are each amended to read as follows:

(1) Any insurer failing to file its tax statement and to pay the specified tax or prepayment of tax on premiums (~~for more than thirty days after date due shall be liable to a penalty of twenty-five dollars for each additional day of delinquency~~) by the last day of the month in which the tax becomes due shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not paid within forty-five days after the due date, the insurer shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not paid within sixty days of the due date, the insurer shall be assessed a total penalty of twenty percent of the amount of the tax. In such event the tax may be collected by distraint, and the penalty recovered by any action instituted by the commissioner in any court of competent jurisdiction. The amount of any such penalty collected shall be paid to the state treasurer and credited to the general fund.

(2) At his discretion the commissioner may revoke the certificate of authority of any such delinquent insurer, such certificate of authority not to be reissued until all taxes, prepayments of tax, and penalties incurred by the insurer have been fully paid and the insurer has otherwise qualified for the certificate of authority.

NEW SECTION. Sec. 3. There is added to chapter 84.33 RCW a new section to read as follows:

A timber tax distribution guarantee account is established in the state treasury. Any interest earned on the investment of cash balances in this account shall be deposited in this account. If funds in the state timber tax reserve account are insufficient to make the distributions under RCW 84.33.080(4), each taxing district other than the state shall receive an amount from the timber tax distribution guarantee account to cover the insufficiency: PROVIDED, That a school district shall not receive an amount from the timber tax distribution guarantee account for that part of its state timber tax reserve account distribution which is attributable to a maintenance and operation levy.

Sec. 4. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978 and thereafter	80%

On or before December 31 of each year commencing with 1972, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the

previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) ~~((If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account;)) Funds in the state timber tax reserve account may be transferred by June 30, 1981, by the legislature for state purposes or may be appropriated by the legislature for activities undertaken by the department of revenue forest tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter. ((If)) Following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, ~~((the balance in the state timber tax reserve account exceeds two million dollars;))~~ the department of revenue shall determine on or before December 31 of such year, an amount to be distributed to the taxing districts the following calendar year, which distribution shall be determined in the following manner: PROVIDED, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or decrease in excise tax collections between the preceding calendar year and the current calendar year:~~

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

NEW SECTION. Sec. 5. The unappropriated balance of the state timber tax reserve account is transferred to the timber tax distribution guarantee account.

NEW SECTION. Sec. 6. There is added to chapter 82.32 RCW a new section to read as follows:

For tax payments due for taxable activities occurring prior to and including the month of December, 1981, the taxes imposed in chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW are due and payable within fifteen days following the end of the month in which the taxable activities occur. For tax payments due for taxable activities occurring after December, 1981, these taxes are due and payable within five days following the end of the month in which the taxable activities occur. The payments so remitted shall be made along with a form which sets forth the amount of tax estimated by the taxpayer to be due and such other taxpayer account information as the department of revenue may require. A reconciliation report shall be submitted before the end of the next month succeeding each calendar quarter of each calendar year for the preceding calendar quarter setting forth the amount of gross sales, including nontaxable sales, taxable sales or activities, the amount of tax thereon, and such other information as the department may require, and the taxpayer shall remit therewith the balance owing, if any, of the tax due for the three months of the preceding quarter. The report shall set forth the amount of the payments made at the end of each month of the quarter and any balance due or credit due the taxpayer. For paying less than the total amount due in any month of the quarter, a penalty equal to ten percent of the amount underpaid shall be assessed unless the total of the amounts paid monthly is at least ninety percent of the amount due. This penalty for underpaying is in addition to any penalties applicable for failure to pay before penalty dates under RCW 82.32.090.

The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. These tax returns are due and payable before the end of the next month succeeding each reporting period.

The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Sec. 7. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1971 ex. sess. and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the ~~((last day of the month in which the tax becomes))~~ due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received by the last day of the month ~~((next succeeding the month))~~ in which the due date falls, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received by the last day of the ~~((second))~~ month next succeeding the month in which the due date falls, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls. Effective June 30, 1985, and thereafter if the payment of any tax is received during the first fifteen days in the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 82.04.490, chapter 15, Laws of 1961, section 45, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.490;

(2) Section 82.08.070, chapter 15, Laws of 1961, section 8, chapter 293, Laws of 1961, section 8, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.070;

(3) Section 82.12.050, chapter 15, Laws of 1961, section 53, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.050; and

(4) Section 82.16.070, chapter 15, Laws of 1961, section 14, chapter 293, Laws of 1961, section 56, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.16.070.

NEW SECTION. Sec. 9. Section 1, chapter 70, Laws of 1975-'76 2nd ex. sess. and RCW 82.32.095 are each repealed.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except section 5 of this act shall take effect June 30, 1981, and sections 6, 7, and 8 of this act shall take effect July 1, 1981."

The bill was read the second time by sections.

Senator McDermott moved adoption of the committee amendment.

Debate ensued.

The motion by Senator McDermott carried and the committee amendment was adopted.

On motion of Senator McDermott, the following committee amendment to the title was adopted:

On page 1, on line 1 of the title, after "state funds;" strike the remainder of the title and insert "amending section .14.06, chapter 79, Laws of 1947 and RCW 48.14.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080; amending section 82.32.090, chapter 15, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1971 ex. sess. and RCW 82.32.090; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.33 RCW; creating a new section; repealing section 82.04.490, chapter 15, Laws of 1961, section 45, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.490; repealing section 82.08.070, chapter 15, Laws of 1961, section 8, chapter 293, Laws of 1961, section 8, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.070; repealing section 82.12.050, chapter 15, Laws of 1961, section 53, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.050; repealing section 82.16.070, chapter 15, Laws of 1961, section 14, chapter 293, Laws of 1961, section 56, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.16.070; repealing section 1, chapter 70, Laws of 1975-'76 2nd ex. sess. and RCW 82.32.095; providing effective dates; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 209, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, you went over this rather fast. We did not have it in caucus and I have a question about section seven. Can you explain that to me?"

Senator McDermott: "It surprises me that you have not discussed this bill extensively over the last four days."

Senator Guess: "This is the first time we have seen it."

Senator McDermott: "This is essentially the part of the bill that advances the collection of the excise tax. I do not know what more you want to know about it. It is obviously a light bulb snatch. The more reaching back and pulling forward and making sure that the money is there to replace the accrual account as quickly as possible."

Senator Guess: "Is a person, is this going to make him go to the bank and borrow money to pay his taxes with?"

Senator McDermott: "As soon as that sales tax is collected, Senator Guess, it is the state's money; and this is saying that he is going to have to pay it to us a little earlier. It is really going to take away some float, but I think anybody who is running a good business knows very quickly what his tax obligation is and is prepared to pay it."

Senator Guess: "How about the company that has a big sale at the end of the month and they usually have, it is sort of a standard practice end-of-month sale; this will be on the 29th and 30th of the month. And these people sometimes take as many as, until the 20th, to really tally all of the sales that they have made. Those people who use charge cards and who operate businesses on accounts receivable are not going to get their money yet but they are going to have to pay it by the 15th. Is that what you are saying?"

Senator McDermott: "Well first of all, Senator Guess, it is an estimate but I checked with our consultants, secretary of the senate Sid Snyder who runs a little grocery store. He has electronic calculators or cash registers and all he has to do is go down and pull the tape out and look at it, and he knows immediately. And he can estimate what has happened on the basis of that, what he needs and he can easily do it. I am sure that a big operation like a big department store has had a big sale, would not have any problem using their electronic cash registers to obtain that data."

Senator Guess: "But they are going to have to go to the bank to borrow that money because when they make charges they do not get the money the next day. A lot of them do not, they send bills out and the post office being what it is today, it sometimes takes you four or five days to get a bill there; you write the check, then you put it back in the mail and so the company is really not going to get this money. So what you are doing is that you are going to make the companies go in and borrow money. Some of them are paying 22½% for operating cash."

"Now is this smart business as far as the economic climate of the state of Washington is concerned?"

Senator McDermott: "Well Senator Guess, I have checked this; we had testimony before the committee; Governor Spellman, budget officers came up and said this is what they wanted to do, that they thought it was good business practice; and the Senate supported Governor Spellman's proposal for this tax."

Senator Guess: "This part of the Senate did not do it."

POINT OF INQUIRY

Senator Lee: "On page 10 where we are into the excise tax portion, I notice that, I am now on line 17, 'for tax payments due for taxable activities occurring after December 1981, these taxes are due and payable within five days following the end of the month.'

"Now this is the taxing that you are going to begin at the end of this particular year. Is that correct?"

Senator McDermott: "You should point out to me the line again. You said 'five days'; I do not see five days there."

Senator Lee: "That is line 20."

Senator McDermott: "Oh, line 20, okay."

Senator Lee: "Those are for the taxes that are due and payable next year, actually in 1982. Is that correct?"

Senator McDermott: "This is a fiscal year"

Senator Lee: "All right. For tax payments due after December 1981 which has not arrived yet and will not for a few more months. So these are taxes that will be collected in 1982. That is where you are going to the five days, is that correct?"

Senator McDermott: "Yes. After 1981 that is reduced to five days, that is correct."

Senator Lee: "All right. Now the taxes that are due and payable after December of 1980, in other words the ones that would normally be due on the end of February you are advancing that date until the 15th, is that correct? For this year, for 1981?"

Senator McDermott: "Where are you reading?"

Senator Lee: "Line 15, 'payable within 15 following the end of the month.'"

Senator McDermott: "That is correct."

Senator Lee: "Okay, but the concern that I have at this moment, of course, is the date of passage of this particular bill. We are now at the 9th of February; are we saying then, that within six days, that those are going to have to be due and payable; and that the department of revenue will have to have out its new forms because the current forms are incorrect; you have the excise tax at the top, you have the sales tax in the middle, and the sales taxes are still on the old schedule."

Senator McDermott: "It would be my impression that Mr. Pascall of the revenue department who proposed this bill had thought that through carefully and I am sure that he"

Senator Lee: "I understand that he did propose the bill; but we are talking about the amendment, now, that the Senate has made to the bill, not to the original bill."

Senator McDermott: "If you will look on page 14 of the bill, line 18, it says that section 6, 7 and 8 of the act will take effect on July 1, 1981. So this section does not take effect until July 1."

Senator Lee: "All right, then none of this activity that we are talking about, the advance of the 15 days for six months and then the advance of the 5 days, takes place until after July of this year."

Senator McDermott: "That is correct."

Senator Lee: "Okay, thank you very much."

Senator McDermott: "July first."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Bottiger, because I find your remarks very interesting, because it is my understanding and it was made clear by Senator McDermott, that none of this increased revenue, this revenue coming into the treasury at an earlier date, is going to take place until after this biennium is all over, until after July."

Senator Bottiger: "In a sense, Senator, there is a shift"

Senator Lee: "That is right, so therefore what we are proposing to do is to take the \$82 million of the accrued revenue account and use that instead, during this particular, of the end of this biennium. How can that keep our bond rating good when we are doing nothing to replace it until the next biennium, if we are going to be using it Tuesday?"

Senator Bottiger: "As I understand it from, not being a member of that committee and repeating only what I have been told in caucus and by people interested, the bond people want to see a method set up for reaccrediting that account, that we

used it once but we are paying it back. This is one of the tools that they expected us to do to maintain that bond rating."

Senator Lee: "But we have a five-month gap before we begin that process, and that is the thing that concerns me a great deal."

Senator Bottiger: "I simply do not know the answer; Senator Shinpoch or Senator McDermott would be who I would yield to."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "I am not sure that I am the one to really discuss this; I really do not like this movement. If you recall we questioned Taller and Pascall for quite some time and the answer was that they are comfortable. That did not make me any more comfortable than I was before. They also indicated they had every living ex-director of the office of fiscal management, with the exception of Lee Buffington, in the world, working on this and this was the best they could come up with.

"And so I am not, Don Burroughs provided us with a flow chart that would indicate that we are not going to have the problem as long as we move to the fifth of the month. It is my understanding at least that the treasurer's office has indicated the fifth of the month is sufficient to have the money in, but I guess I really do not like any of this. I do not think it is very responsible but I am making an attempt to support our Governor."

REMARKS BY SENATOR LEE

Senator Lee: "I can understand the fifth of the month collection. What I am questioning is the great gap before we start that procedure, using up the money several months in advance before we begin any attempt whatsoever to begin the procedure; and it was also my understanding that there were recommendations that would have advanced that so that some of that could have been begun during this biennium, which I think would be a wise move."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "I suggested that to the department of revenue and they indicated all these massive problems they had of attempting to make this work because of the quarterly, make it work as of the, what is it, March 1, April 1 date? That it was simply necessary to go out and I guess I was not necessarily comfortable with that, either."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 209, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, Williams, Wojahn, Woody—25.

Voting nay: Senators Bluechel, Clarke, Craswell, Deccio, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Sellar, Talmadge, von Reichbauer, Wilson, Zimmerman—24.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, 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.

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, just a point on information. I believe that the state bond rating is AA+, it is not triple A; and there is a difference; is it AA+?"

MOTION

On motion of Senator McDermott, all bills passed by the Senate today were ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3537, by Senator McDermott: Enacting the medical assistance act of 1981.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3537 was substituted for Senate Bill No. 3537 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3537 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3537, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

SUBSTITUTE SENATE BILL NO. 3537, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would, on the next working day, move to reconsider the vote by which Substitute Senate Bill No. 3537 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3538, by Senators McDermott, Bauer, Talmadge, Moore, Williams, Woody, Shipoch, Hansen, Charnley, Gaspard, Ridder, Fleming, Wilson, Rasmussen, Peterson, Talley, Bottiger, Goltz, Vognild and Lysen:

Relating to chore services.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3538 was substituted for Senate Bill No. 3538 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3538 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3538, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Newhouse, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Scott, Sellar—20.

SUBSTITUTE SENATE BILL NO. 3538, 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.

OBJECTION RAISED

Senator Benitz objected to acting on bills of which he did not have copies. Copies were distributed to Senator Benitz and the Senate resumed its deliberations.

SECOND READING

SENATE BILL NO. 3539, by Senator McDermott:
Enacting the general assistance act of 1981.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3539 was substituted for Senate Bill No. 3539 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3539 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3539, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Newhouse, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Scott, Sellar—21.

SUBSTITUTE SENATE BILL NO. 3539, 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.

MOTIONS

On motion of Senator Bottiger, the Senate dispensed with the Call of the Senate.

On motion of Senator Bottiger all bills passed by the Senate today were ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Bottiger: Mr. President, members of the Senate, tomorrow, according to Senate rules, is the last day to get your code reviser requests in; and this is just a reminder that if you have any other bills that you are working on, you have got to get the code reviser number on them."

MOTION

At 4:08 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Tuesday, February 10, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 10, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lysen. On motion of Senator Shipoch, Senator Lysen was excused.

The Color Guard, consisting of Pages Marjorie Saadah and Dixie Grunenfelder, presented the Colors. Reverend O. Robert Pigford, pastor of New Life Baptist Church of Olympia offered the prayer.

MOTION

On motion of Senator Shipoch, the reading of, the journal of the previous days was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 3026, establishing a program for local historic preservation planners (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3026 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hurley, Chairman; Goltz, Guess, Haley, Hansen, Hughes, Lee, Pullen, Quigg, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 6, 1981.

SENATE BILL NO. 3028, historic properties use (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hurley, Chairman; Goltz, Haley, Hansen, Hughes, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 6, 1981.

SENATE BILL NO. 3030, encouraging the development of traditional skills needed in the restoration of older buildings (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3030 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Hurley, Chairman; Goltz, Guess, Hansen, Hughes, Vognild, Williams.

Passed to Committee on Rules for second reading.

February 9, 1981.

SENATE BILL NO. 3129, making dental examiners board members and employees immune from legal suits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Kiskaddon, McCaslin.

Passed to Committee on Rules for second reading.

February 9, 1981.

SENATE BILL NO. 3373, revising laws regulating veterinarians (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Craswell, McCaslin.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3598, by Senator Guess:

AN ACT Relating to county road property tax revenues; and repealing section 1, chapter 25, Laws of 1971 ex. sess., section 142, chapter 195, Laws of 1973 1st ex. sess., section 32, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.33.220.

Referred to Committee on Local Government.

SENATE BILL NO. 3599, by Senator McDermott:

AN ACT Relating to supplemental appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3600, by Senator Guess:

AN ACT Relating to state government; amending section 14, chapter 250, Laws of 1971 ex. sess. as amended by section 4, chapter 66, Laws of 1973 and RCW 42.30.140; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3601, by Senators Conner, Hayner and Vognild:

AN ACT Relating to malicious prosecution in civil cases; and amending section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350.

Referred to Judiciary Committee.

SENATE BILL NO. 3602, by Senators Vognild and Newhouse:

AN ACT Relating to self-insurers; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 56, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.070; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3603, by Senators Moore, Gould and Goltz:

AN ACT Relating to speech-language pathologists and audiologists; adding a new chapter to Title 18 RCW; providing an expiration date; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3604, by Senators Bluechel, Jones, Craswell, Fuller, Hayner, Gallagher and Deccio:

AN ACT Relating to retirement from public employment; amending section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080; amending section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.330; amending section 35, chapter 80, Laws of 1947 as last amended by section 6, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.350; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3605, by Senators Bluechel, Hayner, Jones, Haley, Zimmerman, Deccio, Gallagher, McCaslin, Craswell, Benitz, Patterson, Guess and Fuller:

AN ACT Relating to public employment; providing for exemption of certain management personnel from classified service; adding a new section to chapter 36,

Laws of 1969 ex. sess. and to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3606, by Senator Moore:

AN ACT Relating to the furniture and bedding industry; amending section 5, chapter 183, Laws of 1951 and RCW 18.45.050; amending section 41, chapter 183, Laws of 1951 as amended by section 4, chapter 189, Laws of 1971 ex. sess. and RCW 18.45.130; amending section 42, chapter 183, Laws of 1951 and RCW 18.45.140; amending section 43, chapter 183, Laws of 1951 and RCW 18.45.150; amending section 44, chapter 183, Laws of 1951 and RCW 18.45.160; amending section 12, chapter 183, Laws of 1951 and RCW 18.45.170; amending section 13, chapter 183, Laws of 1951 and RCW 18.45.180; amending section 14, chapter 183, Laws of 1951 and RCW 18.45.190; amending section 38, chapter 183, Laws of 1951 and RCW 18.45.480; amending section 45, chapter 183, Laws of 1951 and RCW 18.45.490; amending section 51, chapter 99, Laws of 1979 and RCW 43.131.166; adding new sections to chapter 18.45 RCW; repealing section 9, chapter 99, Laws of 1979 and RCW 43.131.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3607, by Senators Goltz, Deccio and Zimmerman:

AN ACT Relating to funding the Washington association of sheriffs and police chiefs; amending section 7, chapter 172, Laws of 1935 as last amended by section 1, chapter 158, Laws of 1979 and RCW 9.41.070; and amending section 9, chapter 172, Laws of 1935 as last amended by section 1, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.090.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3608, by Senator Moore:

AN ACT Relating to embalmers and funeral directors; amending section 8, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.173; amending section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175; adding new sections to chapter 18.39 RCW; repealing section 16, chapter 108, Laws of 1937 and RCW 18.39.170; repealing section 13, chapter 99, Laws of 1979 and RCW 43.131.173; and repealing section 55, chapter 99, Laws of 1979 and RCW 43.131.174.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3609, by Senators Bauer, Haley, Gaspard, McDermott, Bluechel, Rasmussen, Ridder, Lee, Zimmerman, Fleming and Hughes:

AN ACT Relating to education; providing for a Temporary Committee on Educational Policies, Structure and Management and setting out its powers and duties and providing for the expiration thereof; creating new sections; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3610, by Senators Wojahn, Jones, Vognild, Deccio, Hemstad, Williams, Quigg, Hurley and Newhouse:

AN ACT Relating to nonprofit arts organizations; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3611, by Senators Bauer and Moore:

AN ACT Relating to cystic fibrosis; and amending section 43.20.130, chapter 8, Laws of 1965 as amended by section 52, chapter 141, Laws of 1979 and RCW 43.20A.635.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3612, by Senators Hurley, Zimmerman, Goltz and Fuller:

AN ACT Relating to state parks; amending section 1, chapter 210, Laws of 1971 ex. sess. as amended by section 1, chapter 4, Laws of 1980 and RCW 43.51-.270; amending section 2, chapter 210, Laws of 1971 ex. sess. as amended by section 2, chapter 4, Laws of 1980 and RCW 43.51.280; amending section 85, chapter 270, Laws of 1979 ex. sess. as amended by section 1, chapter 38, Laws of 1980 (uncodified); adding new sections to chapter 8, Laws of 1965 and to chapter 43.51 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3613, by Senator Metcalf:

AN ACT Relating to collective bargaining; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 10, chapter 108, Laws of 1967 ex. sess. as amended by section 21, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56-.100; amending section 2, chapter 59, Laws of 1973 as amended by section 22, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.122; amending section 3, chapter 59, Laws of 1973 as amended by section 23, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.125; amending section 1, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.140; amending section 2, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.150; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100; amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120; amending section 14, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.130; amending section 15, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.140; amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; amending section 47.64.030, chapter 13, Laws of 1961 as amended by section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030; amending section 2, chapter 28, Laws of 1963 and RCW 54.04.180; amending section 1, chapter 101, Laws of 1967 and RCW 53.18.010; amending section 2, chapter 101, Laws of 1967 and RCW 53.18.020; amending section 5, chapter 101, Laws of 1967 and RCW 53.18.050; creating new sections; adding new sections to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 54.04 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3614, by Senator Metcalf:

AN ACT Relating to property taxation; and adding a new section to chapter 36.34 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3615, by Senator Conner:

AN ACT Relating to firemen; and amending section 17, chapter 261, Laws of 1945 as last amended by section 1, chapter 157, Laws of 1979 ex. sess. and RCW 41.24.170.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3616, by Senators Gould, Woody, Kiskaddon, Metcalf and Vognil:

AN ACT Relating to commerce and economic development; providing for the planning, design, construction, furnishing, and landscaping of a cultural arts and

convention facility; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the designation of real property as a site for such facility; creating new sections; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3617, by Senator Metcalf:

AN ACT Relating to the associated student body program fund; amending section 2, chapter 284, Laws of 1975 1st ex. sess. as amended by section 1, chapter 160, Laws of 1977 ex. sess. and RCW 28A.58.120; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3618, by Senators Metcalf, Craswell and McCaslin:

AN ACT Relating to collective bargaining by educational employees; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120; amending section 15, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.140; creating a new section; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3619, by Senators Metcalf, Quigg and Fuller:

AN ACT Relating to labor; and adding a new section to chapter 49.64 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3620, by Senator Metcalf:

AN ACT Relating to education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3621, by Senators Quigg, Woody, Gould and Shinpoch:

AN ACT Relating to property; amending section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010; amending section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100; and adding a new section to chapter 46.52 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3622, by Senators Wojahn, Rasmussen, Gallagher and Haley:

AN ACT Relating to port districts; and amending section 10, chapter 17, Laws of 1959 as last amended by section 7, chapter 51, Laws of 1965 and RCW 53.12.120.

Referred to Committee on Local Government.

SENATE BILL NO. 3623, by Senators Benitz, Hayner and Hurley:

AN ACT Relating to certain expenses for the general determination of water rights; and amending section 21, chapter 117, Laws of 1917 as last amended by section 3, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.180.

Referred to Committee on Agriculture.

SENATE BILL NO. 3624, by Senators Benitz, Newhouse and Hemstad:

AN ACT Relating to the superior court; and amending section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 202, Laws of 1979 ex. sess. and RCW 2.08.064.

Referred to Judiciary Committee.

SENATE BILL NO. 3625, by Senators Hayner and Clarke:

AN ACT Relating to gambling; and adding a new section to chapter 9.46 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3626, by Senator Peterson:

AN ACT Relating to the forest practices appeals board; adding a new section to chapter 76.09 RCW; repealing section 3, chapter 99, Laws of 1979 and RCW 43.131.153; repealing section 45, chapter 99, Laws of 1979 and RCW 43.131.154; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3627, by Senators Gould, McCaslin, Ridder, Scott, Moore and Wojahn:

AN ACT Relating to sales and use taxation; amending section 48, chapter 37, Laws of 1980 as amended by section 1, chapter 86, Laws of 1980 and RCW 82.08-.0283; and amending section 75, chapter 37, Laws of 1980 as amended by section 2, chapter 86, Laws of 1980 and RCW 82.12.0277.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3628, by Senators Talmadge, Haley and Moore:

AN ACT Relating to criminal justice; amending section 9, chapter 340, Laws of 1955 as last amended by section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003; amending section 3, chapter 32, Laws of 1959 as amended by section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.007; amending section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040; amending section 9, chapter 133, Laws of 1955 as last amended by section 1, chapter 68, Laws of 1972 ex. sess. and RCW 9.95.080; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 as amended by section 3, chapter 141, Laws of 1979 and RCW 9.95.121; amending section 5, chapter 98, Laws of 1969 and RCW 9.95.123; amending section 6, chapter 98, Laws of 1969 as amended by section 4, chapter 141, Laws of 1979 and RCW 9.95.124; amending section 7, chapter 98, Laws of 1969 and RCW 9.95.125; adding new sections to chapter 9.95 RCW; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 3629, by Senators Vognild and Gaspard:

AN ACT Relating to fire insurance; adding new sections to chapter 48.14 RCW; creating a new section; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3630, by Senators Benitz, Hayner and Jones:

AN ACT Relating to the state reclamation act; and adding a new section to chapter 89.16 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3631, by Senators Metcalf, Guess and Craswell:

AN ACT Relating to educational employees; and amending section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100.

Referred to Committee on Education.

SENATE BILL NO. 3632, by Senators Wojahn and Clarke:

AN ACT Relating to banks and banking; amending section 30.08.020, chapter 33, Laws of 1955 as last amended by section 4, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.020; amending section 30.40.020, chapter 33, Laws of 1955 as last amended by section 35, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.40-.020; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3633, by Senators Jones, Deccio, Guess, Benitz and Haley:

AN ACT Relating to unemployment compensation; and amending section 73, chapter 35, Laws of 1945 as last amended by section 5, chapter 74, Laws of 1980 and RCW 50.20.050.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3634, by Senators Talmadge and Clarke:

AN ACT Relating to eminent domain by cities; and amending section 22, chapter 153, Laws of 1907 as last amended by section 1, chapter 139, Laws of 1947 and RCW 8.12.270.

Referred to Committee on Local Government.

SENATE BILL NO. 3635, by Senators Conner, Gould, Bauer, Patterson and Goltz:

AN ACT Relating to educational excellence; creating the Washington state scholars program; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 3636, by Senators Hayner, Scott and Jones (by Office of Financial Management request):

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

At 11:22 a.m., on motion of Senator Bottiger, the Senate recessed until 11:54 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:54 a.m.

MOTION

At 11:55 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, February 11, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 11, 1981.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Pullen. On motion of Senator Bluechel, Senator Pullen was excused.

The Color Guard, consisting of Pages Marilyn White and Susan White, presented the Colors. Reverend Robert Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 9, 1981.

SENATE BILL NO. 3007, regulating private family day-care homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, McCaslin.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3154, regulating individual account deposits in financial institutions (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3154 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Clarke, Hayner, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 9, 1981.

SENATE BILL NO. 3237, authorizing university tuition and fee exemptions for students receiving athletic scholarships (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3237 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Charnley, Chairman; Goltz, McDermott, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3269, establishing procedures for legislative review of proposed agency rules (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3272, permitting private landowners to transfer dredge materials from the Toutle river area (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Gallaghan, Haley, Metcalf, Patterson, Rasmussen, Talley, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3310, confirming rules adopted as standards for energy use in buildings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Lysen, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3344, allocating funds for facilities for the handicapped (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3344 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Craswell, Deccio, Fleming, Goltz, Haley, Hughes, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 4, 1981.

SENATE BILL NO. 3347, implementing law relating to waivers by institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3347 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Charnley, Chairman; Benitz, Goltz, McDermott, Patterson, Scott.

Passed to Committee on Rules for second reading.

February 9, 1981.

SENATE BILL NO. 3374, creating the state voluntary action council (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Kiskaddon.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3531, making a capital appropriation to Western Washington University (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, 1st Vice Chairman; Wojahn, 2nd Vice Chairman; Bauer, Craswell, Deccio, Fleming, Goltz, Haley, Hughes, Scott, Talmadge, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE CONCURRENT RESOLUTION NO. 105, adopting the juvenile disposition standards of the Department of Social and Health Services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Newhouse, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3637, by Senators Goltz and Gallagher:

AN ACT Relating to second class shorelands; and repealing section 1, chapter 150, Laws of 1979 and RCW 79.01.474.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3638, by Senator Metcalf:

AN ACT Relating to reapportionment and redistricting; adding new sections to chapter 44.07A RCW; repealing section 1, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.001; repealing section 2, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.005; repealing section 3, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.030; repealing section 4, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.040; repealing section 5, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.050; repealing section 6, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.060; repealing section 7, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.130; repealing section 8, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.140; repealing section 9, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.230; repealing section 10, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.260; repealing section 11, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.270; repealing section 12, chapter 123, Laws of 1974 ex. sess. and RCW 44.07A.900; and declaring an emergency.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3639, by Senators McDermott, Rasmussen and Gallagher (by State Auditor request):

AN ACT Relating to the state auditor; and amending section 1, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 92, chapter 151, Laws of 1979 and RCW 43.09.310.

Referred to Committee on State Government.

SENATE BILL NO. 3640, by Senators Hayner, Rasmussen, Newhouse, Jones and Talley (by Attorney General request):

AN ACT Relating to the criminal enforcement authority of the attorney general; adding new sections to chapter 43.10 RCW; and adding a new section to chapter 10.01 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3641, by Senators Ridder, Bauer and Zimmerman (by Department of Employment Security request):

AN ACT Relating to benefits under Title II of the social security act; amending section 5, chapter 184, Laws of 1951 as last amended by section 20, chapter 257, Laws of 1971 ex. sess. and RCW 41.48.050; and providing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3642, by Senators Hemstad, Haley, Lee, Hayner, McCaslin, Bluechel and Fuller:

AN ACT Relating to the deregulation of the trucking industry; amending section 80.01.040, chapter 14, Laws of 1961 and RCW 80.01.040; amending section 81.04.080, chapter 14, Laws of 1961 and RCW 81.04.080; amending section 81.04.130, chapter 14, Laws of 1961 and RCW 81.04.130; amending section 81.16.010, chapter 14, Laws of 1961 as amended by section 5, chapter 210, Laws of 1969 ex. sess. and RCW 81.16.010; amending section 81.28.010, chapter 14, Laws of 1961

and RCW 81.28.010; amending section 81.80.200, chapter 14, Laws of 1961 and RCW 81.80.200; amending section 81.80.330, chapter 14, Laws of 1961 as amended by section 3, chapter 132, Laws of 1980 and RCW 81.80.330; adding a new section to chapter 81.80 RCW; creating new sections; repealing section 2, chapter 295, Laws of 1961 and RCW 81.77.010; repealing section 5, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.015; repealing section 3, chapter 295, Laws of 1961 and RCW 81.77.020; repealing section 4, chapter 295, Laws of 1961, section 1, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.030; repealing section 5, chapter 295, Laws of 1961 and RCW 81.77.040; repealing section 6, chapter 295, Laws of 1961, section 9, chapter 115, Laws of 1973 and RCW 81.77.050; repealing section 7, chapter 295, Laws of 1961 and RCW 81.77.060; repealing section 8, chapter 295, Laws of 1961 and RCW 81.77.070; repealing section 9, chapter 295, Laws of 1961, section 12, chapter 59, Laws of 1963, section 11, chapter 210, Laws of 1969 ex. sess., section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080; repealing section 10, chapter 295, Laws of 1961 and RCW 81.77.090; repealing section 11, chapter 295, Laws of 1961 and RCW 81.77.100; repealing section 2, chapter 105, Laws of 1965 ex. sess. and RCW 81.77.110; repealing section 81.80.020, chapter 14, Laws of 1961 and RCW 81.80.020; repealing section 81.80.030, chapter 14, Laws of 1961 and RCW 81.80.030; repealing section 81.80.040, chapter 14, Laws of 1961, section 7, chapter 59, Laws of 1963, section 1, chapter 6, Laws of 1979 ex. sess. and RCW 81.80.040; repealing section 1, chapter 33, Laws of 1969, section 17, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.060; repealing section 81.80.070, chapter 14, Laws of 1961, section 1, chapter 242, Laws of 1963 and RCW 81.80.070; repealing section 81.80.080, chapter 14, Laws of 1961 and RCW 81.80.080; repealing section 81.80.090, chapter 14, Laws of 1961, section 10, chapter 115, Laws of 1973 and RCW 81.80.090; repealing section 81.80.100, chapter 14, Laws of 1961 and RCW 81.80.100; repealing section 81.80.110, chapter 14, Laws of 1961 and RCW 81.80.110; repealing section 81.80.130, chapter 14, Laws of 1961 and RCW 81.80.130; repealing section 81.80.140, chapter 14, Laws of 1961 and RCW 81.80.140; repealing section 81.80.150, chapter 14, Laws of 1961, section 11, chapter 115, Laws of 1973 and RCW 81.80.150; repealing section 81.80.170, chapter 14, Laws of 1961, section 2, chapter 242, Laws of 1963 and RCW 81.80.170; repealing section 5, chapter 242, Laws of 1963 and RCW 81.80.175; repealing section 81.80.220, chapter 14, Laws of 1961 and RCW 81.80.220; repealing section 81.80.230, chapter 14, Laws of 1961, section 2, chapter 132, Laws of 1980 and RCW 81.80.230; repealing section 81.80.260, chapter 14, Laws of 1961, section 3, chapter 69, Laws of 1967 and RCW 81.80.260; repealing section 81.80.270, chapter 14, Laws of 1961, section 6, chapter 59, Laws of 1963, section 1, chapter 134, Laws of 1965 ex. sess., section 12, chapter 210, Laws of 1969 ex. sess., section 12, chapter 115, Laws of 1973 and RCW 81.80.270; repealing section 2, chapter 134, Laws of 1965 ex. sess., section 13, chapter 115, Laws of 1973 and RCW 81.80.272; repealing section 81.80.280, chapter 14, Laws of 1961 and RCW 81.80.280; repealing section 81.80.312, chapter 14, Laws of 1961, section 2, chapter 170, Laws of 1967, section 16, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.312; repealing section 81.80.320, chapter 14, Laws of 1961, section 4, chapter 170, Laws of 1967, section 14, chapter 210, Laws of 1969 ex. sess., section 5, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.320; repealing section 81.80.355, chapter 14, Laws of 1961 and RCW 81.80.355; repealing section 9, chapter 59, Laws of 1963 and RCW 81.80.371; repealing section 6, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.375; repealing section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; repealing section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 3643, by Senator Wilson:

AN ACT Relating criminal justice training; and amending section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200.

Referred to Committee on Local Government.

SENATE BILL NO. 3644, by Senators Woody, Gould, Vognild and Conner:

AN ACT Relating to adult corrections; and adding a new section to chapter 72.02 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3645, by Senators Ridder, Gould, Craswell and Woody:

AN ACT Relating to initiative and referendum petitions; and amending section 29.79.080, chapter 9, Laws of 1965 as amended by section 4, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.080.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3646, by Senator Rasmussen:

AN ACT Relating to athletics; amending section 1, chapter 184, Laws of 1933 and RCW 67.08.001; amending section 3, chapter 184, Laws of 1933 and RCW 67.08.005; amending section 7, chapter 184, Laws of 1933 as amended by section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010; amending section 2, chapter 9, Laws of 1977 and RCW 67.08.015; amending section 11, chapter 184, Laws of 1933 and RCW 67.08.050; amending section 12, chapter 184, Laws of 1933 as last amended by section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060; amending section 15, chapter 184, Laws of 1933 and RCW 67.08-.090; amending section 17, chapter 184, Laws of 1933 and RCW 67.08.110; amending section 18, chapter 184, Laws of 1933 and RCW 67.08.120; amending section 22, chapter 184, Laws of 1933 as last amended by section 7, chapter 305, Laws of 1959 and RCW 67.08.140; repealing section 11, chapter 99, Laws of 1979 and RCW 43.131.169; repealing section 53, chapter 99, Laws of 1979 and RCW 43.131.170; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3647, by Senator Rasmussen:

AN ACT Relating to planning and community affairs; amending section 35.10.240, chapter 7, Laws of 1965 as last amended by section 12, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.10.240; amending section 35.10.250, chapter 7, Laws of 1965 as amended by section 9, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.250; amending section 10, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.265; amending section 35.10.320, chapter 7, Laws of 1965 as amended by section 16, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.320; amending section 13, chapter 74, Laws of 1967 and RCW 43.63A.130; adding a new section to chapter 43.41 RCW; repealing section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977, section 133, chapter 151, Laws of 1979 and RCW 43.63A.085; repealing section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.63A.120; and repealing section 49, chapter 99, Laws of 1979 and RCW 43.131.162; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3648, by Senator Rasmussen:

AN ACT Relating to geographic names; amending section 2, chapter 178, Laws of 1973 1st ex. sess. as amended by section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020; repealing section 12, chapter 99, Laws of 1979 and RCW 43.131.171; repealing section 54, chapter 99, Laws of 1979 and RCW 43.131.172; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3649, by Senators Bauer and Zimmerman:

AN ACT Relating to public utility taxation; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3650, by Senator Rasmussen:

AN ACT Relating to the homestead exemption; and amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3651, by Senators Conner, Gould and McCaslin:

AN ACT Relating to recycling; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3652, by Senators Woody, Peterson, Metcalf, Rasmussen and Bauer:

AN ACT Relating to hunting and fishing licenses; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 117, chapter 78, Laws of 1980 and RCW 77.32.230.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3653, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3654, by Senator Peterson:

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3655, by Senators Metcalf, Fuller and Gould:

AN ACT Relating to reapportionment and redistricting.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3656, by Senators Wilson and Zimmerman:

AN ACT Relating to local government.

Referred to Committee on Local Government.

SENATE BILL NO. 3657, by Senators Wilson and Deccio:

AN ACT Relating to local jail standards.

Referred to Committee on Local Government.

SENATE BILL NO. 3658, by Senator Peterson:

AN ACT Relating to the public disclosure commission.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3659, by Senators Wilson and Craswell:

AN ACT Relating to reimbursement of local political subdivisions for costs mandated by the state.

Referred to Committee on Local Government.

SENATE BILL NO. 3660, by Senators Wilson and Charnley:

AN ACT Relating to local government.

Referred to Committee on Local Government.

SENATE BILL NO. 3661, by Senator Peterson:

AN ACT Relating to cross sound transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 3662, by Senator Peterson:
AN ACT Relating to Northern State Hospital.
Referred to Committee on State Government.

SENATE BILL NO. 3663, by Senator Peterson:
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3664, by Senator Peterson:
AN ACT Relating to foodfish and shellfish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3665, by Senator Peterson:
AN ACT Relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3666, by Senator Peterson:
AN ACT Relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3667, by Senator Peterson:
AN ACT Relating to cross sound transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3668, by Senators Wilson and Zimmerman:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 3669, by Senator Peterson:
AN ACT Relating to transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3670, by Senator Peterson:
AN ACT Relating to transportation.
Referred to Committee on Transportation.

SENATE BILL NO. 3671, by Senators Metcalf, Gould and Fuller:
AN ACT Relating to a redistricting commission.
Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3672, by Senator Peterson:
AN ACT Relating to game and gamefish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3673, by Senator Peterson:
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3674, by Senators Wilson and Zimmerman:
AN ACT Relating to fire protection districts.
Referred to Committee on Local Government.

SENATE BILL NO. 3675, by Senator Rasmussen:
AN ACT Relating to state government.
Referred to Committee on State Government.

SENATE BILL NO. 3676, by Senator Bluechel:
AN ACT Relating to the classified employees biennial salary survey under
chapter 28B.16 RCW.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3677, by Senator Rasmussen:
AN ACT Relating to state government.
Referred to Committee on State Government.

SENATE BILL NO. 3678, by Senator Rasmussen:
AN ACT Relating to appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3679, by Senator Sellar:
AN ACT Relating to financial institutions.
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3680, by Senator Sellar:
AN ACT Relating to insurance.
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3681, by Senator Williams:
AN ACT Relating to the Washington state energy office.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3682, by Senator Hayner:
AN ACT Relating to transient accommodations; and adding a new section to
chapter 70.62 RCW.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3683, by Senator Rasmussen:
AN ACT Relating to fiscal affairs.
Referred to Committee on State Government.

SENATE BILL NO. 3684, by Senator Gould:
AN ACT Relating to an independent study of joint operating authority pro-
jects.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3685, by Senator Rasmussen:
AN ACT Relating to state government.
Referred to Committee on State Government.

SENATE BILL NO. 3686, by Senator Rasmussen:
AN ACT Relating to state personnel.
Referred to Committee on State Government.

SENATE BILL NO. 3687, by Senator Rasmussen:
AN ACT Relating to state personnel.
Referred to Committee on State Government.

SENATE BILL NO. 3688, by Senator Rasmussen:
AN ACT Relating to fiscal affairs.
Referred to Committee on State Government.

SENATE BILL NO. 3689, by Senator Rasmussen:
AN ACT Relating to revenue.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3690, by Senator Rasmussen:
AN ACT Relating to revenue.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3691, by Senator Goltz:
AN ACT Relating to community colleges.
Referred to Committee on Higher Education.

- SENATE BILL NO. 3692, by Senator Goltz:
AN ACT Relating to tuition and fees.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3693, by Senator Benitz:
AN ACT Relating to fire service training.
Referred to Committee on Local Government.
- SENATE BILL NO. 3694, by Senator Quigg:
AN ACT Relating to retirement systems.
Referred to Committee on State Government.
- SENATE BILL NO. 3695, by Senator Charnley:
AN ACT Relating to higher education.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3696, by Senator Charnley:
AN ACT Relating to higher education.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3697, by Senator Patterson:
AN ACT Relating to community colleges.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3698, by Senator Hansen:
AN ACT Relating to transportation financing.
Referred to Committee on Transportation.
- SENATE BILL NO. 3699, by Senator Talley:
AN ACT Relating to state highway bonds.
Referred to Committee on Transportation.
- SENATE BILL NO. 3700, by Senator Charnley:
AN ACT Relating to institutions of higher education.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3701, by Senator Rasmussen:
AN ACT Relating to revenue.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 3702, by Senator Rasmussen:
AN ACT Relating to appropriations.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 3703, by Senator Scott:
AN ACT Relating to institutions of higher education.
Referred to Committee on Higher Education.
- SENATE BILL NO. 3704, by Senator Rasmussen:
AN ACT Relating to state government.
Referred to Committee on State Government.
- SENATE BILL NO. 3705, by Senator Rasmussen:
AN ACT Relating to the cemetery board.
Referred to Committee on Local Government.
- SENATE BILL NO. 3706, by Senator Rasmussen:
AN ACT Relating to revenue.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 3707, by Senator Rasmussen:
AN ACT Relating to appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3708, by Senator Gould:
AN ACT Relating to the board of directors of a joint operating agency.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3709, by Senator Benitz:
AN ACT Relating to vocational education.
Referred to Committee on Education.

SENATE BILL NO. 3710, by Senator Benitz:
AN ACT Relating to vocational education.
Referred to Committee on Education.

SENATE BILL NO. 3711, by Senators Sellar and Hansen:
AN ACT Relating to motor freight carriers; and adding a new section to chapter 81.80 RCW.
Referred to Committee on Transportation.

SENATE BILL NO. 3712, by Senators Lee, Talley and Hemstad:
AN ACT Relating to community colleges; and adding two new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.
Referred to Committee on Higher Education.

SENATE BILL NO. 3713, by Senator Pullen:
AN ACT Relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.
Referred to Committee on Education.

SENATE BILL NO. 3714, by Senator Williams:
AN ACT Relating to unemployment compensation; and amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 33, Laws of 1977 ex. sess. and RCW 50.04.030.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3715, by Senators Talmadge and Clarke:
AN ACT Relating to civil procedure; amending section 1, chapter 102, Laws of 1953 and RCW 4.28.100; and amending section 4, chapter 82, Laws of 1941 and RCW 5.24.040.
Referred to Judiciary Committee.

SENATE BILL NO. 3716, by Senator Guess:
AN ACT Relating to transportation taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 223, chapter 158, Laws of 1979 and RCW 82.36.010; amending section 6, chapter 317, Laws of 1977 ex. sess. as amended by section 224, chapter 158, Laws of 1979 and RCW 82.36.025; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 9, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.100; providing effective dates; and declaring an emergency.
Referred to Committee on Transportation.

SENATE BILL NO. 3717, by Senators Peterson and Goltz:
AN ACT Relating to the criminal justice training commission; and amending section 1, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010.
Referred to Judiciary Committee.

SENATE BILL NO. 3718, by Senators Quigg and Goltz:
AN ACT Relating to utilities; adding new sections to chapter 80.54 RCW; repealing section 1, chapter 33, Laws of 1979 and RCW 80.54.010; repealing section 2, chapter 33, Laws of 1979 and RCW 80.54.020; repealing section 3, chapter 33, Laws of 1979 and RCW 80.54.030; repealing section 4, chapter 33, Laws of 1979

and RCW 80.54.040; repealing section 5, chapter 33, Laws of 1979 and RCW 80.54.050; repealing section 6, chapter 33, Laws of 1979 and RCW 80.54.060; repealing section 7, chapter 33, Laws of 1979 and RCW 80.54.070; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3719, by Senators Zimmerman, Bauer, Talley and Benitz:

AN ACT Relating to scenically fragile lands; adding a new chapter to Title 79 RCW; and providing for a submission of this act to a vote of the people.

Referred to Committee on Parks and Ecology.

SENATE JOINT MEMORIAL NO. 106, by Senators Conner, Bottiger, Benitz and Sellar:

Requesting a review of federal pesticide regulations.

Referred to Committee on Agriculture.

SENATE JOINT RESOLUTION NO. 116, by Senator Metcalf:

Amending the Constitution to establish a commission for legislative and congressional redistricting.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 117, by Senator Metcalf:

Amending the Constitution to establish a commission for legislative redistricting.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 118, by Senators Guess and Hurley:

Amending the Constitution to guarantee the people's right of initiative and referendum regarding local taxes.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Talmadge, Senate Bill No. 3114 will be considered following Senate Joint Resolution No. 108.

On motion of Senator Talmadge, the Senate commenced consideration of Senate Bill No. 3078.

SECOND READING

SENATE BILL NO. 3078, by Senator Newhouse (by Judicial Council request):

Permitting prejudgment interest.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3078 was substituted for Senate Bill No. 3078 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3078, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Clarke, Guess—2.

Excused: Senator Pullen—1.

SUBSTITUTE SENATE BILL NO. 3078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3062, by Senators von Reichbauer, Sellar, Talley and Guess (by Department of Transportation request):

Exempting traffic restrictions shown by signs from adoption through the Administrative Procedures Act.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 3062 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3062 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Pullen—1.

SENATE BILL NO. 3062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3065, by Senators von Reichbauer, Guess, Talley and Sellar (by Department of Transportation request):

Clarifying authority over limited access highway facilities.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 3065 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3065 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Pullen—1.

SENATE BILL No. 3065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3079, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Judicial Council request):

Permitting written statements made under penalty of perjury in lieu of sworn written statements under some circumstances.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3079 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3079, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Pullen—1.

SENATE BILL NO. 3079, 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 Bottiger, Senate Bill No. 3071 will be considered following Senate Bill No. 3058.

SECOND READING

SENATE BILL NO. 3077, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Judicial Council request):

Correcting a double amendment to RCW 2.52.050.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3077 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3077, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Pullen—1.

SENATE BILL NO. 3077, 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 Bottiger, Senate Bill No. 3191 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 3058, by Senators Charnley, Goltz and Scott:

Implementing law relating to commercial operations selling term papers, theses and dissertations.

The bill was read the second time by sections.

On motion of Senator Charnley, the rules were suspended, Senate Bill No. 3058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3058, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator McCaslin—1.

Excused: Senator Pullen—1.

SENATE BILL NO. 3058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 11, 1981.

From the desk of Senator Bob McCaslin

Regarding Senate Bill No. 3058

This legislation infringes on the right of free speech and press. How is it that we can legalize the sale of pornographic literature and films and any restriction is a restriction of free speech and press? Yet, it is legal to restrict the sale of term papers, thesis and dissertations.

Signed: SENATOR BOB McCASLIN

MOTION

On motion of Senator Bottiger, Senate Bill No. 3071 was made a special order of business for 11:45 a.m. today.

SECOND READING

SENATE BILL NO. 3080, by Judiciary Committee (originally sponsored by Senators Talmadge, Clarke, Newhouse and Wojahn):

Correcting an erroneous cross-reference in RCW 46.63.020(33).

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3080 was substituted for Senate Bill No. 3080 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bauer, the following amendment by Senators Bauer, Zimmerman and Talmadge was adopted:

On page 5, line 15, add a new section to read as follows:

"Sec. 6. Section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to overtime parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. The monetary penalty for failure to respond to a notice of a traffic infraction relating to overtime parking as defined by local law, ordinance, regulation, or resolution shall be set by the local legislative body which originally enacted the local law, ordinance, regulation, or resolution creating the parking offense. The local court, whether a municipal, police, or district court may impose the monetary penalty set by the local legislative body. Such locally set monetary penalty is not subject to the assessments required by RCW 46.81.030 and 43.101.210 and related court rules.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If a person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid."

Renumber the remaining sections consecutively.

On motion of Senator Bauer, the following amendment by Senators Bauer, Zimmerman and Talmadge to the title was adopted:

On page 1, line 7 of the title, after "42.16.020;" insert "amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.64.110;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3080 was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3080, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Pullen—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3100, by Senators Moore, Gould, Talmadge, Shipoch, Quigg and Woody:

Requiring both spouses to participate in the sale or encumbrance of a mobile home.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment by Senators Kiskaddon and Talmadge:

On page 2, line 3, after ", or a" insert "community" and strike "used as a principal residence"

POINT OF INQUIRY

Senator Hayner: "Senator Kiskaddon, I hope that there will not be any confusion by the insertion of the word 'community mobile home'. I assume what you are meaning is that it would be a mobile home which is community property. Is that correct?"

Senator Kiskaddon: "Yes."

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, aren't we introducing an ambiguity by saying a 'community mobile home'?"

Senator Talmadge: "No, I think Senator Kiskaddon's response to Senator Hayner's question was accurate. We are simply saying that the mobile home, community property mobile home, should be transferred in the way that we provide for in the community property law.

"I do not see that we are providing any ambiguity, Senator, because up above it on page 2 of the bill, there is a reference to community household goods, and so forth, to make it clear that we are talking about just those items that are community property, not those items that are separate property brought into the marriage."

Senator Guess: "Thank you, Senator."

The motion by Senator Talmadge carried and the amendment was adopted.

Senator Kiskaddon moved adoption of the following amendment by Senators Kiskaddon and Talmadge:

On page 2, beginning on line 22, after "homes" strike the period and all of the underlined material through "owners" on line 24 and insert:

": PROVIDED FURTHER, That in order to lawfully transfer ownership of a community mobile home, both spouses must sign the title certificate"

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I think you picked a couple of good bugs out of this bill. Did you have your amendments up there twenty-four hours before?"

Senator Kiskaddon: "No, we have been talking about them, but we did not actually have them on the desk twenty-four hours before."

Senator Rasmussen: "Thank you, Senator Kiskaddon."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, can you see the usefulness of being able to put an amendment up there before the twenty-four hours have expired?"

Senator Bottiger: "Senator, let me assure that the knowledge and the substance of this amendment has been on the floor as long as the bill has. There have been six or seven versions of it attempted to be worked out; everybody knew about it and everybody understood what the goal was. So while the last exact language was not up there, several earlier drafts were."

Senator Rasmussen: "Senator Bottiger, I congratulate you, you are an expert with double speech and double talk. Everybody did not know about it—I had no knowledge of it until it was in printed form on my desk and I thank you very much for agreeing to allow Senator Kiskaddon to evade the generally unknown rule."

The motion by Senator Kiskaddon carried and the amendment was adopted.

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 3100 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3100, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3046, by Senators Wilson and Sellar:

Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary.

REPORT OF STANDING COMMITTEE

January 23, 1981.

SENATE BILL NO. 3046, providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary (reported by Committee on Constitutions and Elections):

Recommendation: Do pass with the following amendment:

On page 2, line 2, strike "are not being" and insert "have not been"

Signed by: Senators Woody, Chairman; Fuller, Gould, Metcalf, Moore, Peterson, Ridder.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendment was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 3046 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3046, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3072, Senators Talmadge, Newhouse and Wojahn (by Washington Judicial Council request):

Providing for subsistence, lodging and travel expenses of pro tem judges.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3072 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3072, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3067, by Senators Talley and Gould:

Modifying provisions on the intergovernmental disposition of property.

REPORT OF STANDING COMMITTEE

January 20, 1981.

SENATE BILL NO. 3067, modifying provisions on the intergovernmental disposition of property (reported by Committee on Local Government):

Recommendation: Do pass with the following amendments:

On page 2 insert a new section to read as follows:

"NEW SECTION. Sec. 2. Before disposing of surplus property with an estimated value of more than Five Thousand Dollars, the state or political subdivision shall hold a public hearing in the county where the property or the greatest portion thereof is located. At least ten days but not more than twenty-five days prior to such hearings, there shall be published a public notice of reasonable size in display advertising form, setting forth the date, time and place of the hearing at least once in a newspaper of general circulation in the area where the property is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the property is located. If real property is involved, the public notice and news release shall identify the property using a description which can easily be understood by the public. If the surplus is real property, the public notice and news release shall also describe the proposed use of the lands involved. If there is a failure to substantially comply with the procedures set forth in this section, then the sale, transfer, exchange, lease or other disposal shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the disposal agreement."

In line 3 of the title after "RCW 39.33.010" and before the period insert "and adding a new section"

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley and Zimmerman.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendment was adopted.

On motion of Senator Wilson, the committee amendment to the title was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 3067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3067, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3067, 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.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of Senate Bill No. 3071.

SECOND READING

SENATE BILL NO. 3071, by Senators Talmadge, Clarke, Newhouse, Wojahn, Lee and Hayner (by Judicial Council request):

Implementing the constitutional amendment creating a judicial qualifications commission.

REPORT OF STANDING COMMITTEE

January 15, 1981.

SENATE BILL NO. 3071, implementing the constitutional amendment creating a judicial qualifications commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28, after "section" strike ". . ." and insert "31"

On page 4, line 18, after "commission." strike the remainder of the section and insert "Statements made to the commission or its investigators or other employees are absolutely privileged in actions for defamation. This absolute privilege does not apply to statements made in any other forum."

On page 4, line 22, after "Sec. 10." strike everything down through "amended." on line 26 and insert "Except as provided in this section chapter 34.04 RCW shall not apply to the commission. The commission shall propose and adopt rules in accordance with RCW 34.04.020 through RCW 34.04.040 and RCW 34.04.050 through RCW 34.04.080 as now or hereafter amended."

On page 4, line 31, after the first "commission" insert "in accordance with the provisions of chapter 43.88 RCW."

Signed by: Senators Talmadge, Chairman, Clarke, Hemstad, Newhouse, Shinpoch and Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were adopted.

Senator Pullen moved adoption of the following amendment:

On page 4, line 12, after "contempt" insert ": PROVIDED, That before such punishment can be administered the person charged with contempt shall have the right to contest the charge and decide the issue by trial by jury"

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I would raise the question of scope and object with respect to this amendment. I would like to speak to my point of order if I could."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, this particular section of the bill relates to the disclosure of information to the commission in any proceeding brought for discipline of a judge. Senator Pullen's amendment, although I agree with the direction Senator Pullen takes in it, is essentially a change in RCW 7 which provides for the penalties and procedures by which contempt is punishable. I think the amendment clearly is an attempt to amend that portion of RCW in Title 7 rather than relating to the specifics of the judicial qualifications commission."

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, the line that is quoted beginning on 11, 'Failure to obey the order of the court may be punished as contempt.'

"Now, all the amendment does on the face of it that I see, and I am a layman, it just says how you get out of a contempt citation. Now, it says 'before such punishment can be administered, the person charged with contempt shall have the right to contest the charge and decide the issue by trial by jury.' It seems to me that is just plain ordinary common courtesy."

Senator Talmadge: "Senator, the way it works now is that any civil litigation, if you are ordered to produce records or produce information, and you choose not to do that, there are many sanctions that can be imposed, but one of those is contempt of court."

"But the punishment and the procedures for handling what is and what is not contempt of court, are specified in RCW Title 7. There is a specific section in the RCW that relates to contempt, how contempt is handled, and how it is punished.

"My point of order refers to the fact that this is, in effect, an attempt to amend RCW Title 7, rather than an attempt to deal with the specifics of that section relating to discovery before the judicial qualifications commission."

Senator Guess: "Senator, can you describe to me and the body how does a person solve his contempt situation then? What is Title 7 or whatever you are talking about, how does it do it?"

Senator Talmadge: "Senator Guess, it provides for a situation where a person is required to purge himself of contempt by obeying the lawful order of the court, or taking an appeal therefrom.

"There is a proviso in that RCW Title 7 for a hearing; and I do not believe it provides for a right to trial by jury in that situation. It has been one of those traditional common law things that has not allowed for trial by jury."

Senator Guess: "Well, is it not proper then where any section of law, such as we are enacting here, to give relief within that section? It seems to me that certainly when a person, and it is really germane to the issue right here, it says that a person shall be punished as contempt, then by gosh, I think we are duty-bound to let a guy know that if he is, he has got some relief in which way he goes."

Senator Talmadge: "My point of order, Senator, only relates to the fact that the mechanism and the punishment is specified elsewhere in the RCW, not here. This is a substantive change in RCW Title 7, attached to this particular statute."

RULING BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "The President will rule that inasmuch as the amendment is a proviso to a totally new section in the bill and in the RCW, and inasmuch as the proviso relates entirely to the substance of the section in the bill, that it is in order and this body has the right to vote it up or vote it down."

The amendment by Senator Pullen was ruled in order.

Further debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendments and that they be considered as one:

On page 4, line 17, after the first "performed" strike "in good faith" and insert "in accordance with the law"

At the end of line 17 and the beginning of line 18, after "performed" strike "in good faith" and insert "in accordance with the law".

Debate ensued.

The motion by Senator Pullen failed and the amendments were not adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3071 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Talmadge, there has been a fair amount of talk regarding secrecy, employees being prohibited from talking with outsiders, exemptions from the public disclosure act, and so on.

"I wonder if you could briefly take us through the process which would happen, beginning when somebody decided to complain about a judge's behavior, ending with this resolution at the supreme court level and in particular, indicate to what extent will the public become aware of what is happening, and to what extent won't it, all the way through this process."

Senator Talmadge: "Yes, Senator. The process that is envisioned here is that a member of the public or anyone could file a complaint about the behavior of a particular judge. That complaint would be filed with the judicial qualifications commission as we have constituted it in the bill. The complaint would be investigated, there would be the opportunity to gather any records or information or witnesses with respect to that issue by the staff of the commission. The judge would have the opportunity to respond; and all of these proceedings would be confidential because the problem, very obviously is we have very excellent members of the bench in this state. The very fact that one of these kinds of complaints, even if it were entirely unfounded was filed, it could seriously hamper and harm the reputation of that judge.

"But the investigation would be ongoing; there would be a look into the particular allegations in the complaint; the commission might then meet on the complaint, decide whether or not to take action on it; and then if the commission felt that discipline was merited of the judge, they would have the opportunity to impose a range of discipline, not just removal from office, as is only allowed now in the constitution.

"The recommendation will be made by the commission to the supreme court for whether or not there should be any kind of discipline of the judge. And at that point the disciplinary action taken against the judge, if the supreme court decided to move, would be made public.

"It is something very similar to the kinds of procedures we have now for attorneys, and we in the bar, and frequently in the newspapers you will see that members of the bar have been disciplined and that is a matter of public record.

"But the complaint process and the handling of the complaint remains confidential so that people's reputations are not seriously hampered.

"In the state of California, one of the concerns that was expressed was that there was a process by which complaints were rendered against members of the judiciary. It was something that happened more out in the public than this provides for and as a result, there was a very serious deterioration of relationships between the judges on the California supreme court.

"Courts of appeal, the courts of appeal or the supreme court, are collegial bodies; they have to act as a group and where you have suspicions and antagonisms among the members, it is very difficult for those groups to do business.

"The purpose of this particular measure is to preserve the confidentiality, to set forth and allow the commission to adopt its own rules, subject to the administrative procedure kind of requirement of public notice and hearing, and then to handle complaints in the fashion that I think I have outlined."

Senator Wilson: "Mr. President, supposing the complaining party tells his local newspaper that he has filed thus-and-so complaint against a certain judge and the newspaper prints the article, is he in trouble or is the newspaper in trouble?"

Senator Talmadge: "What we have done, Senator, is in section 12 of the bill, provides that 'The commission shall establish rules for the confidentiality of its proceedings with due regard for the privacy interests of judges or justices who are the subject of an inquiry and the protection of persons who file complaints with the commission. Any person giving information to the commission. . . and so forth could be subject to a contempt proceeding in superior court for disclosing information in violation of commission rules.

"Essentially what we have said is, and I think what the constitutional amendment provides for, is that kind of situation should be dealt with by the rules of the judicial qualifications commission. It is something that was not provided for in the constitutional amendment for us to specify."

Senator Wilson: "Mr. President, without having to belabor this point, Senator Talmadge, an ordinary citizen feels that a judge is acting improperly and complains

to the commission that is being established; and he tells some of his friends that he has complained to the commission and why he did.

"There is no reason to believe that this might not come to the attention of a media in the area which would call him up and say, 'Have you filed a complaint against the judge?' and he says 'Yes'; the media says 'On what grounds are you complaining?' and he tells them, tells the media. And I am really trying to find out now whether the commission, by rule or regulation, could reach out and impose sanctions against the individual whose situation I have been trying to describe. That is, punishing him in some way for simply telling anybody he wants to, why he has filed a complaint against a particular judge."

Senator Talmadge: "Senator, I do not want to speculate on how the commission would deal with that because as I think I indicated, that would be something subject to rules of the commission, but what I would anticipate would be that where the person has not filed the complaint with the commission, they are perfectly entitled to tell everybody and anybody whatever they want to about their concern about how a particular judge has handled their case, or any concern that they might have about a judge. Once the matter has been filed with the commission, I believe the intention is that the commission process take place and that at that point, the person is constrained to go with the commission and have the commission handle the problem that they have identified."

"The typical kind of problem might be, you have an allegation that a particular judge is no longer competent. That might be something you can wave around and say is true, but once the complaint is formally filed with the commission that the judge should be removed from office because he or she is incompetent, there should be an opportunity to have the process of the commission run its course."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. Further to answer Senator Wilson, I would suggest this is something like a grand jury procedure, that is, if anyone has knowledge of something that they consider to be wrongdoing, they have a perfect right to make whatever voluntary disclosure they wish to make of that particular situation."

"If however, it becomes the subject of a grand jury investigation, and they are then brought before the grand jury, or elect to go before the grand jury and make certain statements within that proceeding, then anything that takes place with respect to that proceeding becomes under the cloak of this confidentiality."

"And when this was discussed in committee, that comparison was made and it was felt that in substance, as far as the relationship between the press and the commission was concerned, it would be very similar to the relationship between the press and a grand jury proceeding. And I think that that is something that has been explored on both sides and is reasonably regarded as being satisfactory."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge. Senator Talmadge has been questioned quite a bit, maybe I ought to ask Senator Clarke to yield."

President Pro Tempore Goltz: "We have two people yielding at the same time which is, Senator Clarke."

Senator Clarke: "I defer to the chairman of the committee, Senator Talmadge."

Senator Rasmussen: "Thank you Senator Clarke. Senator Talmadge."

Senator Talmadge: "Thank you Senator Rasmussen; but not 'thank you' Senator Clarke."

Senator Rasmussen: "Senator Talmadge, as I read this section 12 and I referred to it previously, and I think Senator Wilson being a former newspaperman, and may be again, we will probably be locked up. Or Jack Anderson would be locked up in this state under this law; columnist Jack Anderson, if he received any information and he published it.

"But the question that I want to ask now is, if somebody files a complaint against a judge; first, is the judge an elected official?"

Senator Talmadge: "Yes."

Senator Rasmussen: "In most instances; they want to be appointed but now they are elected.

"Is a judge any different than, well let us say Senator Walgren, Representative Bagnariol as an elected official?"

Senator Talmadge: "Senator, in response to your question, if you will read the language of the constitutional amendment, there is a provision in there for the confidentiality of the proceedings of the commission. That was the thing that the people voted on and overwhelmingly approved when they voted for this particular constitutional amendment."

Senator Rasmussen: "My question is, why should the judges be protected with this section, section 12, any more than any other elected official? Here everything is secret. There is no public disclosure, there is no access by the press at all; all actions by this section 12 are privileged. Nobody can touch it."

Senator Talmadge: "Senator, in response to your question, if you will read the language of the amendment, section 12, excuse me, one of the things that was discussed was the possibility of having someone who received the information, be subject to some kind of cloak of confidentiality. That is not provided for in that section. I think your concern about the press is just not in that particular language. The provision is for those people who come before the commission.

"We also talked about the problem of when a judge has to respond in essence in public, to someone making public charges about the judge after the commission proceedings have commenced, and the feeling was that the commission would provide for rule for the judge to respond to any public statement made by someone who was filing the complaint with the commission.

"The difficulty we have, Senator, and the difference we might have between what goes on in the case of a legislator and what goes on in the case of a judge, is you have entrusted to certain judicial officers in the court of appeals, in the supreme court, to act as a body. They act as three, panels of three in the court of appeals, or panels of nine in the supreme court. They depend very much on the fact that they work as a collegial body. Where you have a situation where there is not any strong collegial feeling there, it is very difficult for that body to do its business.

"It is also very difficult if you have someone making allegations about someone that are entirely unfounded, that those allegations are out there for consideration without having the confidentiality that is provided in the statute; and that the people wanted when they voted on the constitutional amendment."

Senator Rasmussen: "Well, Senator Talmadge, I still do not understand why, if somebody were to file a complaint; I can understand that you are going to give them the privilege and they cannot be prosecuted if they file a complaint; but I cannot understand if the commission were to have the hearing, the judge is charged, and then again the commission says there is no substance to it, the judge is cleared, the same as any other individual; and I do not see the extra privilege that they need of the protection of all this secrecy."

Senator Talmadge: "Senator, I simply do not see it as a problem and I do not think it is an extra privilege."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3071, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—42.

Voting nay: Senators Deccio, Metcalf, Pullen, Rasmussen, Wilson, Zimmerman—6.

Absent or not voting: Senator Lysen—1.

ENGROSSED SENATE BILL NO. 3071, 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.

MOTIONS

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

On motion of Senator Gaspard, the Committee on Education was relieved from further consideration of Senate Bill No. 3403.

On motion of Senator Gaspard, Senate Bill No. 3403 was rereferred to the Committee on Ways and Means.

At 12:35 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Thursday, February 12, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 12, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Ridder. On motion of Senator Shinpoch, Senator Ridder was excused.

The Color Guard, consisting of Pages Lisa Brotherton and Denise Crossler, presented the Colors. Reverend Robert Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1981.

SENATE BILL NO. 3014, restricting the release of copies of absentee voters lists (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3014 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Gould, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 11, 1981.

SENATE BILL NO. 3040, modifying the regulation of optometry (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, Kiskaddon.

Passed to Committee on Rules for second reading.

February 11, 1981.

SENATE BILL NO. 3121, deregulating the sale of prophylactics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, Kiskaddon.

Passed to Committee on Rules for second reading.

February 11, 1981.

SENATE BILL NO. 3168, increasing the landowner contingency forest fire suppression account (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Haley, Metcalf, Patterson, Talley, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3206, implementing the law relating to control of intoxicating liquor (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3206 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3241, implementing law relating to publication of school code (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Fleming, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 11, 1981.

SENATE BILL NO. 3314, modifying the regulation of sanitarians (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, Kiskaddon.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3327, pertaining to powers and duties of mutual savings banks (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Clarke, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3336, implementing law relating to certification of personnel employed in schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3338, repealing obsolete provision relating to minimum guarantee to school districts for 1974-75 school year (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3351, authorizing educational service districts to establish direct student service programs (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3352, repealing obsolete law requiring report on school districts' maintenance of resource services (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3354, repealing law, parts of which were declared unconstitutional, relating to student financial assistance programs (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3359, placing ferry employees under the state civil service system (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Benitz, Gallaghan, Guess, Kiskaddon, Metcalf, Patterson, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 11, 1981.

GORDON SANDISON, to the position of Trustee of the Western Washington University, appointed by the Governor on January 27, 1981 for the term ending September 30, 1986, succeeding Ark G. Chin (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Charnley, Chairman; Benitz, Goltz, McDermott, Patterson, Scott, von Reichbauer.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 11, 1981.

Mr. President: The House has passed:

HOUSE BILL NO. 51,

HOUSE BILL NO. 75,

HOUSE BILL NO. 103,

HOUSE BILL NO. 105, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 11, 1981.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 2, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3720, by Senators Conner, Talley, Williams and Fuller:

AN ACT Relating to nuclear safety; amending section 1, chapter 10, Laws of 1979 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050; amending section 2, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.020; amending section 3, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.030; amending section 4, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.040; amending section 10, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.100; amending section 11, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.110; amending section 13, chapter 110, Laws of 1979 ex. sess. and RCW 70.121.130; adding a new chapter to Title 70 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3721, by Senator Scott:

AN ACT Relating to schools and facilities thereof; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Education.

SENATE BILL NO. 3722, by Senators Benitz, Newhouse and Deccio:

AN ACT Relating to home-made wine; amending section 32, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 39, Laws of 1955 and RCW 66.12.010; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3723, by Senator Scott:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.030; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, laws of 1974 ex. sess. and RCW 41.26.120; adding a new section to chapter 51.52 RCW; repealing section 11, chapter 209, Laws of 1969 ex. sess., section 3, chapter 219, Laws of 1969 ex. sess., section 6, chapter 6, Laws of 1970 ex. sess., section 9, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.110; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3724, by Senators Scott, Ridder, Gould, von Reichbauer and Woody:

AN ACT Relating to education; and amending section 3, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.754.

Referred to Committee on Education.

SENATE BILL NO. 3725, by Senators Hansen and Benitz:

AN ACT Relating to environmental policy as applied to forest practices; and adding a new section to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3726, by Senators Scott, Craswell, Gallagher and Gould:

AN ACT Relating to property tax delinquencies; amending section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; amending section 84.64.050, chapter 15, Laws of 1961 as amended by section 2, chapter 84, Laws of 1972 ex. sess. and RCW 84.64-.050; amending section 84.64.200, chapter 15, Laws of 1961 and RCW 84.64.200; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3727, by Senators Scott and Haley:

AN ACT Relating to institutions of higher education; amending section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 14, chapter 151, Laws of 1979 and RCW 28B.15.031; amending section 1, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.060; amending section 7, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.070; amending section 8, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.075; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.100; amending section 3, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.201; amending section 28B.15.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.220; amending section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; amending section 6, chapter 14, Laws of 1979 as amended by section 11, chapter 226, Laws of 1979 ex. sess. and RCW 28B.50.140; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 3728, by Senators Hansen and Benitz:

AN ACT Relating to forest practices; amending section 24, chapter 137, Laws of 1974 ex. sess. as amended by section 11, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.240; and adding a new section to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3729, by Senator Scott:

AN ACT Relating to shoreline management; amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030; amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140; and amending section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.180.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3730, by Senators Charnley and Guess:

AN ACT Relating to cities and towns; and amending section 3, chapter 33, Laws of 1969 ex. sess. as amended by section 2, chapter 11, Laws of 1975 1st ex. sess. and RCW 35.39.034.

Referred to Committee on Local Government.

SENATE BILL NO. 3731, by Senator Peterson:

AN ACT Relating to forests; and amending section 1, chapter 43, Laws of 1925 ex. sess. as last amended by section 4, chapter 111, Laws of 1957 and RCW 76.04.140.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3732, by Senators McDermott, Haley, Moore, Wojahn, Goltz and Talmadge:

AN ACT Relating to licensing social workers; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3733, by Senators Lee, Bluechel, McCaslin and Zimmerman:

AN ACT Relating to annexations and incorporations; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.03 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.03 RCW; adding a new section to chapter 35A.04 RCW; adding a new section to chapter 35A.14 RCW; repealing section 35.02.140, chapter 7, Laws of 1965 and RCW 35.02.140; repealing section 4, chapter 251, Laws of 1971 ex. sess. and RCW 35A.03.151; repealing section 16, chapter 251, Laws of 1971 ex. sess. and RCW 35A.03.152; and repealing section 14, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.801.

Referred to Committee on Local Government.

SENATE BILL NO. 3734, by Senator Newhouse:

AN ACT Relating to property taxation; and amending section 24, chapter 288, Laws of 1971 ex. sess. as last amended by section 3, chapter 218, Laws of 1979 ex. sess. and RCW 84.55.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3735, by Senators Moore and Metcalf:

AN ACT Relating to schools; and amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055.

Referred to Committee on Education.

SENATE BILL NO. 3736, by Senators Hansen, Guess and Rasmussen:

AN ACT Relating to private property; and creating a new chapter in Title 8 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3737, by Senators Lee, Goltz and Haley:

AN ACT Relating to the parks and recreation commission; amending section 1, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.290; amending section 2, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.300; amending section 3, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.310; amending section 4, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.320; amending section 7, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.330; and amending section 8, chapter 209, Laws of 1975 1st ex. sess. and RCW 43.51.340.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3738, by Senators Scott and Gould:

AN ACT Relating to the use of school district facilities and property; creating new sections; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3739, by Senators Craswell and Bottiger:

AN ACT Relating to counties; amending section 1, chapter 72, Laws of 1967 as last amended by section 6, chapter 30, Laws of 1979 ex. sess. and RCW 36.94.010; amending section 3, chapter 72, Laws of 1967 and RCW 36.94.030; amending section 5, chapter 72, Laws of 1967 as amended by section 2, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.050; amending section 22, chapter 72, Laws of 1967

as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220; and amending section 26, chapter 72, Laws of 1967 and RCW 36.94.260.

Referred to Committee on Local Government.

SENATE BILL NO. 3740, by Senator Shinpoch:

AN ACT Relating to state investments; amending section 10, chapter __ (House Bill No. 1610), Laws of 1981 and RCW 43.____; amending section 11, chapter __ (House Bill No. 1610), Laws of 1981 and RCW 43.____; amending section 16, chapter __ (House Bill No. 1610), Laws of 1981 and RCW 43.____; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3741, by Senators Peterson, Hansen, Guess and Zimmerman (by Department of Licensing request):

AN ACT Relating to motor vehicle fuel taxes; amending section 82.36.030, chapter 15, Laws of 1961 and RCW 82.36.030; amending section 82.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 28, Laws of 1977 and RCW 82.36.040; amending section 82.36.120, chapter 15, Laws of 1961 and RCW 82.36.120; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 40, Laws of 1979 and RCW 82.38.110; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 13, chapter 40, Laws of 1979 and RCW 82.38.170; amending section 20, chapter 175, Laws of 1971 ex. sess. as last amended by section 14, chapter 40, Laws of 1979 and RCW 82.38.190; amending section 23, chapter 175, Laws of 1971 ex. sess. as amended by section 16, chapter 40, Laws of 1979 and RCW 82.38.220; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3742, by Senators Jones, Vognild, Lee, Deccio, Craswell, Hayner and Zimmerman (by Governor Spellman request):

AN ACT Relating to emergency management; amending section 3, chapter 130, Laws of 1943 as amended by section 1, chapter 210, Laws of 1961 and RCW 38.08.020; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 2, chapter 210, Laws of 1961 and RCW 38.12.015; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.020; amending section 4, chapter 178, Laws of 1951 as last amended by section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030; amending section 5, chapter 178, Laws of 1951 as last amended by section 8, chapter 57, Laws of 1979 ex. sess. and RCW 38.52.040; amending section 6, chapter 178, Laws of 1951 as amended by section 7, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.050; amending section 7, chapter 178, Laws of 1951 as amended by section 8, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.060; amending section 8, chapter 178, Laws of 1951 as amended by section 9, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.070; amending section 9, chapter 178, Laws of 1951 as amended by section 10, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.080; amending section 10, chapter 178, Laws of 1951 as amended by section 11, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.090; amending section 12, chapter 178, Laws of 1951 as amended by section 12, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.100; amending section 13, chapter 178, Laws of 1951 as last amended by section 13, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.110; amending section 14, chapter 178, Laws of 1951 as amended by section 14, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.120; amending section 15, chapter 178, Laws of 1951 as last amended by section 15, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.130; amending section 16, chapter 178, Laws of 1951 as amended by section 16, chapter

171, Laws of 1974 ex. sess. and RCW 38.52.140; amending section 18, chapter 178, Laws of 1951 as amended by section 17, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.150; amending section 19, chapter 178, Laws of 1951 as amended by section 18, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.160; amending section 20, chapter 178, Laws of 1951 as amended by section 19, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.170; amending section 11, chapter 178, Laws of 1951 as last amended by section 20, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.180; amending section 3, chapter 223, Laws of 1953 as amended by section 21, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.190; amending section 7, chapter 8, Laws of 1971 ex. sess. as amended by section 22, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.195; amending section 9, chapter 223, Laws of 1953 as amended by section 23, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.200; amending section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 43, chapter 151, Laws of 1979 and RCW 38.52.205; amending section 5, chapter 8, Laws of 1971 ex. sess. as amended by section 25, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.207; amending section 4, chapter 223, Laws of 1953 as amended by section 26, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.210; amending section 7, chapter 223, Laws of 1953 as amended by section 27, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.240; amending section 8, chapter 223, Laws of 1953 as amended by section 28, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.250; amending section 10, chapter 223, Laws of 1953 as amended by section 29, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.260; amending section 11, chapter 223, Laws of 1953 as amended by section 30, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.270; amending section 12, chapter 223, Laws of 1953 as amended by section 31, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.280; amending section 13, chapter 223, Laws of 1953 as last amended by section 32, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.290; amending section 14, chapter 223, Laws of 1953 as amended by section 59, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.300; amending section 15, chapter 223, Laws of 1953 as amended by section 33, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.310; amending section 16, chapter 223, Laws of 1953 as amended by section 34, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.320; amending section 17, chapter 223, Laws of 1953 as last amended by section 3, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.330; amending section 18, chapter 223, Laws of 1953 as amended by section 36, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.340; amending section 19, chapter 223, Laws of 1953 as amended by section 37, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.350; amending section 20, chapter 223, Laws of 1953 as amended by section 38, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.360; amending section 21, chapter 223, Laws of 1953 as amended by section 39, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.370; amending section 22, chapter 223, Laws of 1953 as amended by section 40, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.380; amending section 6, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.390; amending section 4, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.400; amending section 5, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.410; amending section 1, chapter 178, Laws of 1951 as amended by section 41, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.900; amending section 2, chapter 24, Laws of 1971 as amended by section 1, chapter 171, Laws of 1974 ex. sess. and RCW 28A.24.172; amending section 35A.38.010, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 171, Laws of 1974 ex. sess. and RCW 35A.38.010; amending section 1, chapter 205, Laws of 1945 as last amended by section 1, chapter 135, Laws of 1977 ex. sess. and RCW 39.32.010; amending section 1, chapter 241, Laws of 1963 as amended by section 1, chapter 54, Laws of 1973 and RCW 40.10.010; amending section 2, chapter 241, Laws of 1963 as amended by section 2, chapter 54, Laws of 1973 and RCW 40.10.020; amending

section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.030; amending section 46.16-.340, chapter 12, Laws of 1961 as last amended by section 43, chapter 171, Laws of 1974 ex. sess. and RCW 46.16.340; amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; creating new sections; repealing section 1, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.005; and repealing section 2, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.006.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3743, by Senators Gallagher, Rasmussen and Scott (by Department of Retirement Systems request):

AN ACT Relating to judicial retirement; amending section 12, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.120; amending section 2, chapter 229, Laws of 1937 as last amended by section 5, chapter 106, Laws of 1973 and RCW 2.12-.020; amending section 21, chapter 274, Laws of 1947 as last amended by section 5, chapter 277, Laws of 1955 and RCW 41.40.200; amending section 24, chapter 274, Laws of 1947 as last amended by section 9, chapter 128, Laws of 1969 and RCW 41.40.230; and amending section 8, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.670.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3744, by Senators Guess and Hansen:

AN ACT Relating to county road improvement districts; amending section 36.88.140, chapter 4, Laws of 1963 as amended by section 3, chapter 66, Laws of 1970 ex. sess. and RCW 36.88.140; and adding a new section to chapter 36.88 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3745, by Senators Wilson and Hemstad (by State Library request):

AN ACT Relating to the state library; and adding a new section to chapter 27.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3746, by Senators Quigg, Goltz and Gallagher (by Department of Fisheries request):

AN ACT Relating to the department of fisheries; adding a new section to chapter 75.08 RCW; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3747, by Senators Gould, Vognild and Scott:

AN ACT Relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250; adding a new section chapter 12, Laws of 1961 and to chapter 46.37 RCW; and adding a new section to chapter 13, Laws of 1961 and to chapter 47.36 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3748, by Senators Gaspard, Conner and Hughes:

AN ACT Relating to common carrier railroads; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 81.40 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3749, by Senators Charnley, Vognild and Woody:

AN ACT Relating to gasoline retailers; and adding a new section to chapter 19.94 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3750, by Senators Gaspard, Hemstad, McDermott, Craswell, Deccio and Hughes:

AN ACT Relating to student transportation; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3751, by Senators Gallagher, Rasmussen, Quigg, Sellar, Shinpoch, Lee, Haley, Peterson, Fuller, Bottiger, Metcalf, Zimmerman and Vognild:

AN ACT Relating to state government; amending section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380; amending section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384; amending section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465; amending section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.620; amending section 2, chapter 106, Laws of 1977 ex. sess. as amended by section 7, chapter 101, Laws of 1979 and RCW 75.30.020; amending section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030; amending section 2, chapter 101, Laws of 1979 and RCW 75.30.070; amending section 3, chapter 101, Laws of 1979 and RCW 75.30.080; amending section 5, chapter 101, Laws of 1979 and RCW 75.30.100; amending section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020; amending section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 103, chapter 78, Laws of 1980 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 as last amended by section 106, chapter 78, Laws of 1980 and RCW 77.32.050; amending section 32, chapter 15, Laws of 1975 1st ex. sess. as amended by section 121, chapter 78, Laws of 1980 and RCW 77.32.256; adding new sections to chapter 43.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 3752, by Senators Gaspard, Hemstad, McDermott, Craswell, Fleming and Deccio:

AN ACT Relating to education; amending section 11, chapter 282, Laws of 1971 ex. sess. as last amended by section 1, chapter 66, Laws of 1979 ex. sess. and RCW 28A.21.086; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1979 ex. sess. and RCW 28A.58.107; amending section 4, chapter 239, Laws of 1967 as amended by section 1, chapter 81, Laws of 1972 ex. sess. and RCW 39.34.030; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3753, by Senators Gaspard and Hemstad:

AN ACT Relating to education; amending section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110; amending section 2, chapter 115, Laws of 1980 and RCW 28A.58.033; amending section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040; amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3754, by Senators Charnley and Talmadge:

AN ACT Relating to bicycles; adding a new section to chapter 47.01 RCW; and adding new sections to chapter 47.30 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3755, by Senators Guess, Benitz and Quigg:

AN ACT Relating to industrial insurance; and amending section 3, chapter 107, Laws of 1961 as last amended by section 15, chapter 111, Laws of 1979 and RCW 51.08.013.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3756, by Senators Gaspard, Fleming, Ridder, Haley and Hughes:

AN ACT Relating to the Washington state historical society; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3757, by Senators Bauer, Gaspard and Zimmerman:

AN ACT Relating to educational service districts as self-insurers; adding a new section to chapter 28A.21 RCW; adding a new section to chapter 28A.58 RCW; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3758, by Senators Peterson, Gallagher and Talley:

AN ACT Relating to state government; amending section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; and repealing section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200.

Referred to Committee on State Government.

SENATE BILL NO. 3759, by Senator Moore:

AN ACT Relating to social and health services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3760, by Senator Moore:

AN ACT Relating to hospitals.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3761, by Senator Moore:

AN ACT Relating to optometry.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3762, by Senator Moore:

AN ACT Relating to the healing arts.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3763, by Senator Moore:

AN ACT Relating to mental health.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3764, by Senator Moore:
AN ACT Relating to dentistry.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3765, by Senator Moore:
AN ACT Relating to nursing homes.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3766, by Senator Moore:
AN ACT Relating to health.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3767, by Senator Moore:
AN ACT Relating to corrections.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3768, by Senator Moore:
AN ACT Relating to social services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3769, by Senator Moore:
AN ACT Relating to service volunteers.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3770, by Senator Moore:
AN ACT Relating to public assistance.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3771, by Senator Moore:
AN ACT Relating to senior citizens.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3772, by Senator Moore:
AN ACT Relating to health insurance.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3773, by Senator Sellar:
AN ACT Relating to the funding of emergency telephone networks.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3774, by Senator McDermott:
AN ACT Relating to transfer of funds; amending section 28A.40.100, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 6, Laws of 1980 and RCW 28A.40.100; amending section 2, chapter 178, Laws of 1961 and RCW 79.64.020; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 119, by Senators Metcalf, Lysen and Lee:

Amending the Constitution to establish a redistricting commission if the legislature fails to perform such duty.

Referred to Committee on Constitutions and Elections.

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Hansen, Sellar and Goltz:

Directing the Legislative Transportation Committee to study partial deregulation of the trucking industry.

Referred to Committee on Transportation.

FIRST READING OF HOUSE BILLS

HOUSE BILL NO. 51, by Representatives Schmitt, Garrett, Salatino, Valle and Patrick:

Prohibiting installation of urea-formaldehyde based foam insulation in residential structures.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 75, by Representatives Martinis, Wilson, Burns, Garrett, Sherman, Walk, Garson, Bender, Erak, Clayton, Sprague, McCormick, Gallagher and Pruitt:

Directing the transportation commission to prepare its own budget request, independent of the department.

Referred to Committee on Transportation.

HOUSE BILL NO. 103, by Committee on Transportation and Representatives Wilson, Garrett and Gallagher:

Making an appropriation for the Urban Arterial Board.

Referred to Committee on Transportation.

HOUSE BILL NO. 105, by Committee on Labor and Economic Development and Representatives Sanders, Patrick, Barrett, Hankins, Garrett, Scott and Monohon:

Permitting the port commission to waive the rent security requirement.

Referred to Committee on Local Government.

SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 2.

MOTION

On motion of Senator Bottiger, Senate Bill No. 3069 will be considered following Senate Bill No. 3213.

SECOND READING

SENATE BILL NO. 3213, by Senators von Reichbauer, Jones, Moore, Williams, Clarke and Charnley:

Authorizing local improvement district assessments for electrified public street-car lines.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3213 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3213, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallaghan, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Ridder—1.

SENATE BILL NO. 3213, 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 Bottiger, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION NO. 1981—9

By Senators Vognild, Hansen, Woody, Conner, Metcalf, McDermott, Gallagher, Bottiger, Talley, Peterson, Gaspard, Rasmussen, Goltz, Wilson, Bauer, Hughes, Hurley and Jones.

WHEREAS, The first ever Northwest Dairy and Farm Equipment Show is schedule for March 12 and 13, 1981, at the Evergreen State Fair Grounds in Monroe, Snohomish County, Washington; and

WHEREAS, The central theme of the show is dairy production which is the growth industry of Washington state; and

WHEREAS, The central theme of the show is dairy production which is the growth industry of Washington state; and

WHEREAS, The education theme is agriculture energy in the '80s; and

WHEREAS, The 1981 Northwest Dairy and Farm Equipment Show will draw farmers from British Columbia, Oregon, Idaho, western Montana, and from throughout the State of Washington; and

WHEREAS, there is a need for bringing together technological advancements for agriculture to enhance the forces of food production;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the members of the Senate and the people of the state of Washington wholeheartedly support the first annual Northwest Dairy and Farm Equipment Show and recognize and reaffirm that agriculture is one of the state of Washington's and the nation's greatest resources and contributions to the world market; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Governor John Spellman and to the sponsors and organizers of the Northwest Dairy and Farm Equipment Show.

MOTION

On motion of Senator Quigg, the following resolution was adopted:

SENATE RESOLUTION 1981-10

By Senator Quigg:

WHEREAS, John Pearsall, the state's senior county commissioner, is stepping aside after serving the citizens of Grays Harbor County as county commissioner almost continuously since 1943; and

WHEREAS, John Pearsall's career of public service to citizens of this state has spanned six decades, beginning in 1938 when he entered the political arena as a candidate for the state legislature; and

WHEREAS, During his two terms as a state legislator, John Pearsall served his constituents in the Harbor faithfully, and was instrumental in making Grays Harbor College a part of the statewide community college system; and

WHEREAS, John Pearsall leaves behind him a legacy of service and hard work for the citizens of the Harbor, and can count among his greatest accomplishments the construction of the new county courthouse complex and the multi-service center in Aberdeen; and

WHEREAS, Through his dedicated service to the state, John Pearsall has exemplified his belief that public office is not only a public trust but an individual honor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pays tribute to John Pearsall, the grand old man of Harbor politics, a public servant and old-fashioned gentleman who has touched the lives of so many throughout the state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to John Pearsall.

REMARKS BY SENATOR QUIGG

Senator Quigg: "Mr. President and members of the Senate.

"As the resolution states so clearly, John Pearsall has proven for decades to be a truly dedicated and effective representative of the people of Grays Harbor county, not only as the county commissioner but also as a state legislator. His service in that area has been rewarded and will be noted tomorrow night in a gathering down in Grays Harbor, but he is going to be having a building that he worked so hard to put together and get his name put on it; and you know the timber economy as it is right now, or getting anything built is tough; but with the kind of forbearance that John Pearsall has exhibited, that kind of success has occurred in our area and we sincerely appreciate it.

"I urge your support of this resolution."

MOTION

On motion of Senator Talley, the following resolution was adopted:

SENATE RESOLUTION 1981—11

By Senator Talley:

WHEREAS, The citizens of Washington have an ingrained tradition of proffering aid and assistance to the citizens of the State of Alaska in times of crisis and need; and

WHEREAS, When Alaska found itself plagued with an extreme number of deposits of a shiny yellow metal substance littering its shores, streams and mountainsides, the ever-generous citizens of Washington not only made their way north by the thousands to clear this litter from the land of the Last Frontier, they also graciously hauled it out of Alaska by the ton; and

WHEREAS, When the waters of Alaska became clogged with salmon, crab and other edible marine creatures, the fishermen of Washington without hesitation rushed to Alaska to clean its waters of these creatures and, in the spirit of generosity and neighborliness, continue this practice to this day; and

WHEREAS, When the State of Alaska was in grave danger from great pools of black residue of dinosaurs and other decomposed prehistoric materials, the State of Washington benevolently sent men and materials to the great frozen north to build a huge disposal tube; and

WHEREAS, The appearance of vast amounts of invisible flammable materials in the State of Alaska caused the State of Washington unselfishly to seek many ways to transport this material away from the imperiled Alaskans; and

WHEREAS, The State of Washington, without regard for its own needs, has for many years served as a transportation center to move thousands of men and

women to Alaska with the sole charge of removing postcards, souvenirs, artworks, crafts and hotel linens by the millions, lest they bother our brothers and sisters to the north; and

WHEREAS, The openhearted citizens of Washington have come to realize that still another plague faces the citizens of Alaska; and

WHEREAS, The State of Washington realizes that the current surplus of funds in the overburdened coffers of the State of Alaska is a source of great embarrassment and discomfiture to Alaska's citizens; and

WHEREAS, The Evergreen State can retain its green appellation and remove the red from the faces of our brothers and sisters to the north with a simple heartfelt gesture;

NOW, THEREFORE, BE IT RESOLVED, That the citizens of the great and generous State of Washington offer to annex the State of Alaska and to share the Evergreen State's economic shortfall with our brothers and sisters of the Last Frontier; and

BE IT FURTHER RESOLVED, As a token of our good faith and kindheartedness, the citizens of the State of Washington will send to the frozen north the budget directors of the Washington State Department of Social and Health Services, the Office of the Superintendent of Public Instruction and the Washington State Department of Transportation to provide timely and detailed instruction on how to avoid future excesses of revenues; and

BE IT FURTHER RESOLVED, That the citizens of Washington freely and unequivocally guarantee that with annexation of this State the citizens of the State of Alaska will never again be forced to face the crisis of surplus revenues.

MOTION

On motion of Senator Zimmerman, the following resolution was adopted:

SENATE RESOLUTION 1981—13

By Senators Zimmerman, Bauer and Hughes:

WHEREAS, We rejoice in the release of the fifty-two American hostages that had been held in Iran, it reminds us again that it is possible that many American servicemen, who have given so much to their country, are still subject to intolerable bondage; and

WHEREAS, 2490 Americans are missing in action from the Vietnam War; and

WHEREAS, We believe that many of these may be captives in Vietnam; and

WHEREAS, The Defense Intelligence Agency has 266 eyewitness accounts of sightings of American captives in Vietnam from refugees; and

WHEREAS, Their families, who have lived in fear and hope, have endured the suffering of the belief that their loved ones may be enduring daily torment, torture, and separation; and

WHEREAS, Benefits to their dependents have been decreased without true knowledge or confirmation of their deaths; and

WHEREAS, These Americans held captive may be among the bravest, the most unbending, and yet the most cruelly treated;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that the President of the United States and the United States Congress:

(1) Take such measures as are necessary to determine the fate of, to account for, and to find final conclusive determinations of all the American heroes who had been reported as Missing in Action during the Vietnam War; and

(2) Revive an energetic interest in the release of American Prisoners of War in Vietnam; and

(3) Release all information to the families and public concerning the fate of these brave Americans, except where such disclosure may endanger the rescue or release of any captive Americans in Vietnam; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to The Honorable Ronald Reagan, President of the United States, the Secretary of State, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

PERSONAL PRIVILEGE

Senator Hayner: "It appears to me that this is the worst delaying action I have ever seen at a time when this state is in almost emergency situation.

"I cannot believe that we are not addressing the problem of what to do with the supplemental budget. I understand there was a ways and means committee meeting this morning and nothing was accomplished whatsoever.

"It is true that we have returned to the House a partial budget which we knew at the time the House would not accept. And yet we have passed the deadline which was last Tuesday for the consideration of some of these matters. The office of financial management has already issued letters, or printed letters which are ready to go out very soon.

"I cannot believe that this body would hold up the process of determining what should be done about the supplemental budget. I had a school district call me this morning, one of the small school districts, saying 'We had \$200,000 in reserve,' and they are now down to \$56,000, and 'Can you give me some direction as to what is going to happen? Can you tell me, are we going to be on registered warrants next month?' And I was able to only say 'I do not know what the Senate Democrats are going to do.'

"I think it really behooves you to address this question. I think it is a very serious problem."

MOTION

Senator Bottiger: "Mr. President, I move that House Bill 206 be referred to the committee on ways and means."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate.

"In response to Senator Hayner, the governor is in Washington, D.C. on a ceremonial signing of a lease which could have been done, he took off and left; the House is on a rolling adjournment, they are not in session today; the Senate has worked late last night and early this morning on the question of the supplemental budget.

"We are now moving to put the House vehicle into ways and means so we can do some polishing on, hopefully, a compromise of the situation.

"I urge you to support me in the motion."

PARLIAMENTARY INQUIRY

Senator Clarke: "Where is House Bill 206 at the present time? Has the message from the House been read in?"

REPLY BY THE PRESIDENT

President Cherberg: "The Senate has received a message from the House concerning House Bill 206. It is presently on the desk of the secretary. The message has not been read as yet. Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "If the message has not been read in, I respectfully suggest that the motion is out of order. When the message is read in, then we should respond to that message. And the matter is not before us until the message is read in."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, your point is well taken."

REMARKS BY SENATOR JONES

Senator Jones: "I would like to point out that the governor is here because normally you are not here if the governor is not here. And the governor is here, and returned last night after performing state business of importance."

MOTION

On motion of Senator Bottiger, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 10, 1981.

Mr. President:

The House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Bottiger moved that Engrossed Substitute House Bill No. 206 be referred to the Committee on Ways and Means.

MOTION

Senator Clarke: "I move that the Senate do recede from its amendments and I refer to Reed's 247 with reference to the priority of motions as between the House and Senate, and the motion to recede, I submit is the proper motion."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Senator Hayner, I believe, has set forth the reason why we should take this action. I certainly think that it is of importance to all of the citizens of the state that we do act on this supplemental budget.

"And what has happened is that we have been engaged in what amounts to political bickering when we should be taking care of the business of the state.

"Now if the Senate does recede the bill will then be before the Senate and the Senate may then take whatever action it may deem proper; and I would suggest the proper action would be to pass the bill. I think that the merits have been well argued

and there is no reason to further set forth the specific reasons although someone on our side may wish to make a further statement in that regard."

Senator Bluechel demanded a roll call and the demand was sustained.

Senators Bottiger, Vognild and Rasmussen demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Ridder who was previously excused.

MOTION

On motion of Senator Bottiger, the Senate proceeded under the Call of the Senate.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate.

"The version that the House sent over, I want to remind you what you are voting on, has the question of the state bonding rate and whether it is affected by the money shifts made in the House. All of you that are concerned with the AA+ rating realize what you are voting on. It has some problems.

"Those of you who were in ways and means last night are now aware that the \$79 million the House put in the education budget has a mistake in it; there was \$9 million subtracted twice. So that is a problem that needs to be cured, as we are finding out as we are hearing the supplemental parts of the supplemental budget that has come over.

"We are also aware that there was an amendment put on the floor that takes \$3½ million out, and then requires it be paid back in this biennium, so there is a cash flow problem in the House version of the supplemental budget.

"These are three things, three big things; you have McNeill Island, you have quite a few other small things that we are still checking into.

"But if you adopt the House supplemental budget, please be aware that you are, that is what you are voting on, the three large errors that we have identified so far.

"We are trying to work out a compromise to resolve these questions; those of us that are concerned about the education districts, like Evergreen, Bethel, Marysville, Federal Way, that simply cannot live with that mistake in the \$79 million dollar level. We need to resolve these; we need to do them in an orderly procedure; that is why we would like to get the bill back in the ways and means committee and resolve the problems."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, ladies and gentlemen of the Senate.

"Speaking to the three points that were brought up by Senator Bottiger, the budget bill does not affect the AA+ rating, that would be in revenue bills which are separate bills. In the area of education, this morning in testimony before the ways and means committee, the representative from the SPI office was not at all sure of whether there was an error or not. It was his opinion, if you look at one side of the question, OFM looks at the other side, and as far as they can tell, there is no error.

"On the cash flow problem the OFM has responded in committee that there is no cash flow problem.

"So I would submit that the budget as presented by the House and before us now, is adequate. If there is a problem, we at least do this. We solve the immediate problem of notices going out to a large number of people on services that will be cut if the budget is not passed. If there is any problem we can make minor adjustments in a second budget, because adjustments are very minor.

"So I would submit that it is the best interest of the state to recede from the Senate position and to pass the budget as is now."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate.

"I would like to just point out one more thing and that is that the House sent this back to us with a vote of 71 to 24. That is not all Republicans, that has to be some Democrats who feel it is absolutely essential that we take some action and some responsible action. I think the House worked on this very conscientiously, they came up with something that we should all be able to accept. Obviously there are details that can be changed later. We know, for example, if we put \$79 million dollars in there now for the education, they may need more in the next biennium, but at least they would have a message as to what they can expect for the future.

"I urge you to recede from this amendment."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, members of the Senate.

"I think we are trying to act responsibly. We ran the social and health services budget out here on the floor, that is where they said the crisis was. You indicated on that side that you were concerned about education and you still are. And I think what we are trying to do is be responsible. We want to send this bill back.

"We did have a hearing yesterday on the educational part of the budget. We think we have come to some kind of resolve as to what kind of dollars need to be out there and I think if we did that in that process, took care of those two major things that you have expressed a concern, brought that bill back out here, voted on that bill and sent it back over to the House, at least we will have given those people that message in the school districts that they need to know that we are in earnest and we believe that there is a problem out there, and that as far as the Senate is concerned, they can at least expect a certain bottom line; and I think that is what we would like to do."

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate recede from its amendments to Engrossed Substitute House Bill No. 206.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed by the following vote: Yeas, 24; nays, 24; excused, 1; President Cherberg voted no.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—24.

Excused: Senator Ridder—1.

MOTIONS

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 206 was referred to the Committee on Ways and Means.

On motion of Senator Bottiger, the Senate dispensed with the Call of the Senate.

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

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Senate Bill No. 3705.

On motion of Senator Wilson, Senate Bill No. 3705 was rereferred to the Committee on State Government.

On motion of Senator Williams, the Committee on State Government was relieved from further consideration of Senate Bill No. 3720.

On motion of Senator Williams, Senate Bill No. 3720 was rereferred to the Committee on Energy and Utilities.

At 12:10 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, February 13, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 13, 1981.

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

The Color Guard, consisting of Pages Lisa Passorina and Kathleen Rhoades, presented the Colors. Reverend Samuel McKinney, pastor of Mt. Zion Baptist Church of Seattle, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 3048, increasing the amount of contractor bonds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Talmadge, Chairman; Hemstad, Hughes, Shinpoch, Wojahn, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Bottiger, Newhouse.

Passed to Committee on Rules for second reading.

February 9, 1981.

SENATE BILL NO. 3060, authorizing wine wholesalers and retailers to provide single-service samples to customers for sales promotion (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3060 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Vognild, Chairman; Deccio, Hurley, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 5, 1981.

SENATE BILL NO. 3066, revising interest rates on certain loans (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Wojahn, Chairman; Bauer, Bluechel, Bottiger, Sellar, Shinpoch.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3153, requiring notice of certain city programs to be provided to counties (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1981.

SENATE BILL NO. 3231, authorizing the board of pilotage commissioners to prescribe additional pilot qualifications (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3231 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Kiskaddon, Metcalf, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1981.

SENATE BILL NO. 3262, mandating due process hearing before certification of school bus driver (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Kiskaddon, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3301, permitting counties to set the rates at which fines of county prisoners are reduced (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1981.

SENATE BILL NO. 3334, implementing law relating to reimbursement of school districts when unforeseen events occur (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Kiskaddon, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1981.

SENATE BILL NO. 3362, permitting port commissions to offer rewards (reported by Committee on Local Government):

Recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1981.

SENATE BILL NO. 3588, seeking reduction of paperwork in administration of common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gaspard, Chairman; Fleming, McDermott, Talmadge.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3646, revising laws regulating professional athletic contests (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Fleming, Lee, Moore.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3647, transferring some functions of the state planning and community affairs agency to the office of financial management (reported by Committee on State Government).

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Benitz, Gallagher, Lee, Moore.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 11, 1981.

CAPTAIN M. R. FLAVEL, to the position of member of the Board of Pilotage Commissioners, appointed by the Governor on January 19, 1981 for the term ending December 26, 1983, succeeding W.W. Henshaw (reported by the Committee on Transportation recommends):

Recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Kiskaddon, Lysen, Metcalf, Patterson, Peterson, Sellar, Vognild.

Passed to Committee on Rules for Second Reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3775, by Senators Talmadge, Clarke and Moore (by Department of Licensing request):

AN ACT Relating to the regulation of real estate time sharing; creating a new chapter in Title 19 RCW; defining crimes; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3776, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

AN ACT Relating to vehicle trip permits; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 5, chapter 22, Laws of 1977 ex. sess. and RCW 46.16.160; amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020; adding a new section to chapter 46.16 RCW; defining crimes; and providing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 3777, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

AN ACT Relating to proportionally licensed vehicles; amending section 19, chapter 106, Laws of 1963 as last amended by section 4, chapter 149, Laws of 1979 ex. sess. and RCW 46.85.190; and adding new sections to chapter 46.85 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3778, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

AN ACT Relating to motor vehicles; amending section 2, chapter 106, Laws of 1963 and RCW 46.85.020; amending section 3, chapter 106, Laws of 1963 as last amended by section 1, chapter 92, Laws of 1977 ex. sess. and RCW 46.85.030; amending section 12, chapter 106, Laws of 1963 as last amended by section 1, chapter 115, Laws of 1973 and RCW 46.85.120; amending section 13, chapter 106, Laws of 1963 and RCW 46.85.130; amending section 5, chapter 51, Laws of 1971 and RCW 46.85.135; amending section 14, chapter 106, Laws of 1963 as amended by section 2, chapter 134, Laws of 1979 and RCW 46.85.140; amending section 22, chapter 106, Laws of 1963 and RCW 46.85.220; amending section 28, chapter 106,

Laws of 1963 and RCW 46.85.280; amending section 29, chapter 106, Laws of 1963 as amended by section 116, chapter 32, Laws of 1967 and RCW 46.85.290; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 230, chapter 158, Laws of 1979 and RCW 82.44.020; amending section 82.44.050, chapter 15, Laws of 1961 as amended by section 3, chapter 199, Laws of 1963 and RCW 82.44.050; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 233, chapter 158, Laws of 1979 and RCW 82.44.060; repealing section 23, chapter 106, Laws of 1963, section 115, chapter 32, Laws of 1967 and RCW 46.85.230; repealing section 24, chapter 106, Laws of 1963 and RCW 46.85.240; repealing section 25, chapter 106, Laws of 1963, section 99, chapter 136, Laws of 1979 ex. sess. and RCW 46.85.250; repealing section 26, chapter 106, Laws of 1963 and RCW 46.85.260; repealing section 2, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.010; repealing section 3, chapter 94, Laws of 1967 ex. sess., section 200, chapter 158, Laws of 1979 and RCW 46.86.020; repealing section 4, chapter 94, Laws of 1967 ex. sess., section 201, chapter 158, Laws of 1979 and RCW 46.86.030; repealing section 5, chapter 94, Laws of 1967 ex. sess., section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; repealing section 6, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.050; repealing section 7, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.060; repealing section 8, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.070; repealing section 9, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.080; repealing section 10, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.090; repealing section 11, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.100; repealing section 12, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.110; repealing section 13, chapter 94, Laws of 1967 ex. sess., section 2, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.120; repealing section 14, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.130; and repealing section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140.

Referred to Committee on Transportation.

SENATE BILL NO. 3779, by Senators Williams, Gould, Charnley, Hansen, Newhouse, Benitz and Zimmerman (by Washington State Energy Office request):

AN ACT Relating to geothermal energy; and adding a new chapter to Title 43 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3780, by Senators Wojahn, Clarke and Moore (by Department of Licensing request):

AN ACT Relating to securities; amending section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.070; amending section 1, chapter 8, Laws of 1979 as last amended by section 20, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 21, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.320; amending section 24, chapter 688, Laws of 1979 ex. sess. and RCW 21.20.340; amending section 39, chapter 282, Laws of 1959 as last amended by section 27, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.390; amending section 58, chapter 282, Laws of 1959 as amended by section 40, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.580; and amending section 59, chapter 282, Laws of 1959 as amended by section 65, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.590.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3781, by Senators Charnley, Patterson, Goltz and Wojahn:

AN ACT Relating to institutions of higher education; amending section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 14, chapter 151, Laws of 1979 and RCW 28B.15.031; amending section 1, chapter 322, Laws of

1977 ex. sess. and RCW 28B.15.060; amending section 7, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.070; amending section 8, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.075; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.100; amending section 3, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.201; amending section 28B.15.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.220; amending section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; amending section 6, chapter 14, Laws of 1979 as amended by section 11, chapter 226, Laws of 1979 ex. sess. and RCW 28B.50.140; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3782, by Senator Rasmussen:

AN ACT Relating to administrative procedures; and adding a new section to chapter 34.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3783, by Senators Craswell, Jones and Scott:

AN ACT Relating to the revaluation of property; amending section 84.41.030, chapter 15, Laws of 1961 as amended by section 6, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.030; and amending section 2, chapter 131, Laws of 1974 ex. sess. as amended by section 9, chapter 214, Laws of 1979 ex. sess. and RCW 84.41-.041.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3784, by Senators Sellar, Zimmerman and Talley (by Secretary of State request):

AN ACT Relating to filing and recording documents; amending section 1, chapter 38, Laws of 1897 and RCW 19.76.100; amending section 3, chapter 19, Laws of 1913 and RCW 23.86.060; amending section 4, chapter 220, Laws of 1959 as last amended by section 88, chapter 158, Laws of 1979 and RCW 23.90.040; amending section 54, chapter 53, Laws of 1965 as amended by section 36, chapter 292, Laws of 1971 ex. sess. and RCW 23A.12.010; amending section 34, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.170; amending section 39, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.195; amending section 40, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.200; amending section 45, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.225; amending section 56, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.280; amending section 3, chapter 79, Laws of 1915 and RCW 24.12.030; amending section 1, chapter 80, Laws of 1903 as amended by section 1, chapter 63, Laws of 1925 ex. sess. and RCW 24.20.010; amending section 1, chapter 190, Laws of 1927 and RCW 24.24.010; amending section 1, page 97, Laws of 1875 as amended by section 1, chapter 207, Laws of 1959 and RCW 24.28.010; amending section 2, page 97, Laws of 1875 and RCW 24.28-.020; amending section 30.08.040, chapter 33, Laws of 1955 as amended by section 6, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.040; amending section 30.08.050, chapter 33, Laws of 1955 as amended by section 2, chapter 248, Laws of 1957 and RCW 30.08.050; amending section 30.08.060, chapter 33, Laws of 1955 as amended by section 7, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08-.060; amending section 30.08.070, chapter 33, Laws of 1955 and RCW 30.08.070; amending section 30.08.095, chapter 33, Laws of 1955 as last amended by section 8, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.095; amending section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and

RCW 31.04.040; amending section 4, chapter 172, Laws of 1923 and RCW 31.04-.050; amending section 5, chapter 172, Laws of 1923 and RCW 31.04.070; amending section 3, chapter 173, Laws of 1933 as last amended by section 82, chapter 81, Laws of 1971 and RCW 31.12.050; amending section 6, chapter 121, Laws of 1921 and RCW 31.16.040; amending section 9, chapter 121, Laws of 1921 and RCW 31.16.070; amending section 32.08.060, chapter 13, Laws of 1955 as amended by section 1, chapter 80, Laws of 1957 and RCW 32.08.060; amending section 8, chapter 80, Laws of 1957 as amended by section 1, chapter 176, Laws of 1963 and RCW 32.08.061; amending section 32.08.070, chapter 13, Laws of 1955 and RCW 32.08.070; amending section 32.24.020, chapter 13, Laws of 1955 and RCW 32.24-.020; amending section 6, chapter 235, Laws of 1945 and RCW 33.08.050; amending section 9, chapter 235, Laws of 1945 and RCW 33.08.080; amending section 10, chapter 235, Laws of 1945 as amended by section 2, chapter 113, Laws of 1979 and RCW 33.08.090; amending section 76, chapter 235, Laws of 1945 and RCW 33.28-.010; amending section 1, chapter 154, Laws of 1917 as last amended by section 7, chapter 57, Laws of 1979 ex. sess. and RCW 33.44.020; amending section 5, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.050; amending section 6, chapter 83, Laws of 1975 1st ex. sess. and RCW 33.46.060; amending section .06.20, chapter 79, Laws of 1947 as last amended by section 1, chapter 60, Laws of 1963 and RCW 48.06.200; amending section .07.07, chapter 79, Laws of 1947 and RCW 48.07.070; and amending section 93, chapter 35, Laws of 1945 as last amended by section 2, chapter 190, Laws of 1979 ex. sess. and RCW 50.24.050.

Referred to Committee on State Government.

SENATE BILL NO. 3785, by Senators Wojahn and Bluechel:

AN ACT Relating to banking; and amending section 30.04.020, chapter 33, Laws of 1955 and RCW 30.04.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3786, by Senators Wojahn, Gould, Haley, Bottiger and Gaspard:

AN ACT Relating to sales and use taxes for public transportation systems; and amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045.

Referred to Committee on Local Government.

SENATE BILL NO. 3787, by Senators Wojahn, Gould, Haley, Bottiger and Gaspard:

AN ACT Relating to public transportation benefit authorities; amending section 11, chapter 270, Laws of 1975 1st ex. sess. as amended by section 40, chapter 151, Laws of 1979 and RCW 36.57A.010; amending section 14, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.040; amending section 15, chapter 270, Laws of 1975 1st ex. sess. as amended by section 2, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.050; amending section 24, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.140; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3788, by Senators Woody, Metcalf and Gould:

AN ACT Relating to elections; amending section 12, chapter 1, Laws of 1973 as amended by section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17-.120; repealing section 29.85.270, chapter 9, Laws of 1965, section 1, chapter 162, Laws of 1975 1st ex. sess. and RCW 29.85.270; and repealing section 29.85.280, chapter 9, Laws of 1965, section 2, chapter 162, Laws of 1975 1st ex. sess. and RCW 29.85.280.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3789, by Senator Haley:

AN ACT Relating to administration of drugs in state residential schools; amending section 14, chapter 288, Laws of 1961 as last amended by section 28, chapter 133, Laws of 1973 and RCW 18.88.285; and adding a new section to chapter 72.33 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3790, by Senators Newhouse, Hurley and McCaslin:

AN ACT Relating to environmental policy; adding a new section to chapter 43.21C RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3791, by Senator Sellar:

AN ACT Relating to security deposits of self-insurers; and amending section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 9, chapter 323, Laws of 1977 ex. sess. and RCW 51.14.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3792, by Senator Talley:

AN ACT Relating to setting local government tax collection and budget dates.

Referred to Committee on Local Government.

SENATE BILL NO. 3793, by Senator Haley:

AN ACT Relating to emergency funds; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.33 RCW; and repealing section 8, chapter 7, Laws of 1967, section 20, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.32A.060.

Referred to Committee on Local Government.

SENATE BILL NO. 3794, by Senators Wojahn, Guess, Quigg and Vognild:

AN ACT Relating to engineers and land surveyors; amending section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110; and providing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3795, by Senator Sellar:

AN ACT Relating to health care services; and amending section 3, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.44.250.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3796, by Senators Benitz, Charnley and Jones:

AN ACT Relating to intoxicating liquor; amending section 9, chapter 178, Laws of 1969 ex. sess. as amended by section 18, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.500; adding a new section to chapter 66, Laws of 1933 ex. sess. and to chapter 66.24 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3797, by Senators Gould, Bottiger, Guess, Hemstad, Hurley, Scott, Williams, Woody and Moore:

AN ACT Relating to operating agencies; amending section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370; amending section 43.52.375, chapter 8, Laws of 1965 and RCW 43.52.375; amending section 1, chapter 220, Laws of 1979 ex. sess. and RCW 43.52.378; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3798, by Senator Bluechel:

AN ACT Relating to credit; amending section 1, chapter 142, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1975 1st ex. sess. and RCW 19.52.080; amending section 15, chapter 208, Laws of 1941 as last amended by section 10, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.180; adding new sections to chapter 19.52 RCW; adding a new section to chapter 63.14 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3799, by Senators Wojahn, Gallagher and Rasmussen (by State Employees Insurance Board request):

AN ACT Relating to state employees' insurance; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 2, chapter 120, Laws of 1980 and RCW 41.05.025; and amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3800, by Senators Wojahn, Gallagher, Rasmussen and Haley (by State Employees Insurance Board request):

AN ACT Relating to state employees' insurance; and amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 2, chapter 120, Laws of 1980 and RCW 41.05.025.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3801, by Senator Moore:

AN ACT Relating to foster homes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3802, by Senator McDermott:

AN ACT Relating to the utilities and transportation commission.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3803, by Senator McDermott:

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3804, by Senator McDermott:

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3805, by Senator McDermott:

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3806, by Senators Talley and Wilson:

AN ACT Relating to the Mt. St. Helens disaster.

Referred to Committee on Local Government.

SENATE BILL NO. 3807, by Senator Talley:

AN ACT Relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 3808, by Senator Hurley:

AN ACT Relating to recreation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3809, by Senator Hurley:

AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3810, by Senator Hurley:
AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3811, by Senator Hurley:
AN ACT Relating to recreation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3812, by Senator Hurley:
AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3813, by Senator Hurley:
AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3814, by Senator Hurley:
AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3815, by Senator Hurley:
AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3816, by Senator Hurley:
AN ACT Relating to recreation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3817, by Senator Talley:
AN ACT Relating to the Mt. St. Helens disaster.

Referred to Committee on Local Government.

SENATE BILL NO. 3818, by Senator Talley:
AN ACT Relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 3819, by Senator Hurley:
AN ACT Relating to recreation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3820, by Senator Rasmussen:
AN ACT Relating to veterans affairs.

Referred to Committee on State Government.

SENATE BILL NO. 3821, by Senators Wojahn, Sellar and Bauer:
AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3822, by Senators McDermott, Jones, Shinpoch, Hemstad, Conner, Deccio, Goltz, Bluechel, Gould, Wojahn, Gaspard, Bottiger, Zimmerman, Hayner and Craswell:

AN ACT Relating to property taxes; amending section 84.36.060, chapter 15, Laws of 1961 as amended by section 5, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3823, by Senators Hurley, Shinpoch and Lee:

AN ACT Relating to outdoor recreation; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 130, chapter 158, Laws of 1979 and RCW 46.09.170; and amending section 17, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.240.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3824, by Senators Talley and Fuller:

AN ACT Relating to accretions resulting from the eruption of Mt. St. Helens; amending section 123, chapter 255, Laws of 1927 and RCW 79.01.492; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3825, by Senators Haley and Deccio:

AN ACT Relating to soldiers' and veterans' homes; amending section 72.36-.010, chapter 28, Laws of 1959 and RCW 72.36.010; amending section 72.36.070, chapter 28, Laws of 1959 as amended by section 4, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.070; amending section 72.36.090, chapter 28, Laws of 1959 as amended by section 9, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.090; amending section 72.36.110, chapter 28, Laws of 1959 as amended by section 1, chapter 120, Laws of 1959 and RCW 72.36.110; and adding a new section to chapter 72.36 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3826, by Senators McDermott, Jones, Shinpoch, Hemstad, Conner, Deccio, Goltz, Bluechel, Gould, Wojahn, Gaspard, Bottiger, Zimmerman, Hayner and Craswell:

AN ACT Relating to excise taxation; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3827, by Senators Woody, Quigg, Shinpoch and Newhouse:

AN ACT Relating to real estate broker sales and exchanges of mobile homes; amending section 2, chapter 252, Laws of 1941 as last amended by section 68, chapter 158, Laws of 1979 and RCW 18.85.010; and amending section 3, chapter 11, Laws of 1979 as amended by section 186, chapter 158, Laws of 1979 and RCW 46.70.011.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3828, by Senators Hughes, Haley and Hurley:

AN ACT Relating to educational employment relations; amending section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.160; creating new sections; adding new sections to chapter 288, Laws of 1975 1st ex. sess. and to chapter 41.59 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3829, by Senator Haley:

AN ACT Relating to the control of intoxicating liquor; creating new sections; adding new sections to chapter 62, Laws of 1933 ex. sess. and to chapter 66.08 RCW; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3830, by Senators Goltz, Craswell and Shinpoch:

AN ACT Relating to higher education; amending section 8, chapter 202, Laws of 1949 as last amended by section 12, chapter 75, Laws of 1977 and RCW 18.88-.080; amending section 12, chapter 202, Laws of 1949 as amended by section 11,

chapter 133, Laws of 1973 and RCW 18.88.120; creating new sections; adding new sections to chapter 202, Laws of 1949 and to chapter 18.88 RCW; and repealing section 11, chapter 202, Laws of 1949, section 10, chapter 133, Laws of 1973 and RCW 18.88.110.

Referred to Committee on Higher Education.

SENATE BILL NO. 3831, by Senators Sellar and Moore:

AN ACT Relating to public lands; amending section 130, chapter 255, Laws of 1927 as last amended by section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3832, by Senator Haley:

AN ACT Relating to state employees; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3833, by Senators Goltz, Craswell and Shinpoch:

AN ACT Relating to higher education; amending section 5, chapter 222, Laws of 1949 as last amended by section 64, chapter 158, Laws of 1979 and RCW 18.78-.050; creating new sections; and adding new sections to chapter 22, Laws of 1949 and to chapter 18.78 RCW.

Referred to Committee on Higher Education.

MOTION

At 10:27 a.m., on motion of Senator Jones, the Senate recessed until 12:12 p.m.

SECOND MORNING SESSION

The President called the Senate to order at 12:12 p.m.

MOTION

Senator Newhouse moved that the office of Sergeant at Arms be declared vacant.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Newhouse that the office of Sergeant at Arms be declared vacant.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator McDermott—1.

The motion carried. The office of Sergeant at Arms of the Washington State Senate was declared vacant.

ELECTION OF OFFICERS
SERGEANT AT ARMS
REMARKS BY THE PRESIDENT

President Cherberg: "The motion is carried. The office of sergeant at arms of the Washington State Senate is declared vacant."

NOMINATION OF FRED HILDEBRAND

Senator Hayner: "Mr. President, I would like to place in nomination the name of Fred Hildebrand. Mr. Hildebrand has been a law enforcement officer, has been for twenty-five years in Pierce county; has worked under the sheriff there and done a very exemplary job.

"He has also been assistant sergeant at arms in this body for a four-year period and he has had administrative experience because he has been manager of the Tacoma zoo, and that might be very appropriate."

NOMINATION OF CHARLIE JOHNSON

Senator Ridder: "Mr. President, I would like to place in nomination the name of Charlie Johnson as sergeant at arms for the Washington State Senate.

"Charlie has served us in this body for many years. He has been at rare times when he seemed to have been called upon to serve in an actual law enforcement type capacity, has served very well.

"I was a little alarmed when Senator Hayner referred to her candidate's law enforcement background. I was hoping it would not be the policy of this body that we would need more extended experience of that kind.

"Mr. Johnson has served us well in many personal capacities when the need has arisen in our ability to be here and to function well and I would urge your support for him."

MOTION

On motion of Senator Newhouse, the nominations were closed.

PARLIAMENTARY INQUIRY

Senator Clarke: "In making the vote as the roll is called and each member responds as to which of the two, by speaking the name of the person he wishes to vote for?"

REPLY BY THE PRESIDENT

President Cherberg: "This is the President's first experience on occasion of this type but believes the manner you have described would be appropriate."

Senator Clarke: "Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on election of Sergeant at Arms of the Senate. The nominees are Charlie Johnson and Fred Hildebrand.

ROLL CALL

The Secretary called the roll and Fred Hildebrand was elected Sergeant at Arms by the following vote: Charlie Johnson, 23; Fred Hildebrand, 25; Peter von Reichbauer, 1.

Those voting for Charlie Johnson were: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore,

Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—23.

Those voting for Fred Hildebrand were: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting for Peter von Reichbauer: Senator Hughes—1.

Fred Hildebrand was elected Sergeant at Arms of the Washington State Senate.

MOTION

On motion of Senator Newhouse, nominations for President Pro Tempore of the Senate were open.

PRESIDENT PRO TEMPORE OF THE SENATE NOMINATION OF SENATOR SAM C. GUESS

Senator Clarke: "Mr. President, I would like to nominate for the office of president pro tem, Senator Sam C. Guess; and having many of you who have had to do with Henry's rules will appreciate our reason for suggesting Senator Guess, because I am sure that Senator Guess has a set of his own rules which might possibly even be a little comparable to those of Henry's rules.

"But seriously, no one needs to make any introduction or speech with respect to Senator Guess. We all know his ability and his complete integrity and for that reason we have placed his name in nomination."

NOMINATION OF SENATOR H.A. "BARNEY" GOLTZ

Senator Wilson: "Mr. President, I should like to place in nomination the name of Senator Barney Goltz for president pro tem.

"Mr. President and members of the Senate. Ever since his earlier election, I believe that Senator Goltz has had at least three opportunities, if not more, to preside over the affairs of this body; and despite certain misgivings which some of us shared at the time of his original election, I should think that every member here would have to agree Senator Goltz has presided ably, fairly and competently. He deserves to be retained in this position."

MOTION

On motion of Senator Newhouse, the nominations for President Pro Tempore of the Senate were closed.

The President declared the question before the Senate to be the roll call on election of the President Pro Tempore of the Senate. The nominees are Senator Sam C. Guess and Senator Barney Goltz.

ROLL CALL

The Secretary called the roll and Senator Guess was elected President Pro Tempore by the following vote: Senator Goltz: 24; Senator Guess: 25.

Those voting for Senator Goltz: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—24.

Those voting for Senator Guess: Senator Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones,

Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Sam C. Guess was elected President Pro Tempore of the Washington State Senate.

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate.

"I want to take this opportunity to thank you for allowing me to preside very briefly as your president pro tem. I suspect it was the point of order raised by Senator Talmadge that did me in.

"But it is an honor to have served even briefly in this body as president pro tem, and I congratulate Senator Guess and wish him well."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate.

"It isn't maybe too well known, but Senator Guess, you are now fourth in succession to the governor, and when we selected Barney Goltz we took that into very careful consideration."

MOTION

On motion of Senator Newhouse, the nominations for Vice President Pro Tempore of the Senate were open.

VICE PRESIDENT PRO TEMPORE NOMINATION OF SENATOR GEORGE CLARKE

Senator Newhouse: "Mr. President, it gives me a great deal of pleasure to place in nomination a man who is respected for his ability and experience; a man who can well serve in this capacity. I place before you the name of Senator George Clarke."

NOMINATION OF SENATOR DON L. TALLEY

Senator Rasmussen: "Mr. President, I would like to present the name of Senator Don Talley for vice president pro tem. He is serving in that position at the present time. He has been a Senator for a long time; he has been a friend of all of you people and if called upon would do an excellent job as pro tem.

"So I would urge you all in this case that you vote for Senator Don Talley for vice president pro tem."

MOTION

On motion of Senator Newhouse, the nominations for Vice President Pro Tempore were closed.

The President declared the question before the Senate to be the roll call on election of Vice President Pro Tempore of the Senate. The nominees are Senator George W. Clarke and Senator Don L. Talley.

ROLL CALL

The Secretary called the roll and Senator Clarke was elected Vice President Pro Tempore by the following vote: Senator Talley, 24; Senator Clarke, 25.

Those voting for Senator Talley: Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson,

Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Those voting for Senator Clarke: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator George Clarke was elected Vice President Pro Tempore of the Washington State Senate.

REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, I would like to thank the body for allowing me to serve as long as I did. I deeply appreciate the confidence and I think with the election of George Clarke, you have probably elected one of the better senators of the majority party."

MOTION

Senator Clarke: "I move that the ways and means committee be relieved of further consideration of House Bill 206; that the bill be returned to second reading; that rule 58 be waived in its entirety; and that House Bill 206 be made a special order of business for 3 p.m.

"Speaking on the motion which is more or less all-inclusive, this has been worked out with Senator Bottiger with the idea that this would give ample opportunity for the preparation and presentation of amendments, and the bill would then be considered by the body itself as it was before without the necessity of the delays of the committee of the whole and it is to be hoped that this will be a definite step to expedite the very essential passage of the supplemental budget; and I urge your support of the motion."

POINT OF INQUIRY

Senator Rasmussen: "What rule were you waiving at us?"

Senator Clarke: "What rule? Rule 58 which requires, normally, bills to be, to go through the committee of the whole, appropriations bill; that is the same procedure that was followed previously on your motion and we went along with it and we understand that you would like to have it the same way this time, and so would we, so we are asking for the waiver of the rule."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I think that Senator Clarke is putting more than one subject in a motion or a bill, and he has me now, thoroughly confused. How many rules are we expected to waive? I would have no objection to waiving 58 but I would think that you should try for your two-thirds vote on the floor, as the rules provide."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the President believes that it would be proper to place the four motions made by Senator Clarke one at a time."

The motion by Senator Clarke was divided.

The motion by Senator Clarke that the Committee on Ways and Means be relieved from further consideration of Engrossed House Bill No. 206 carried.

The motion by Senator Clarke that Engrossed House Bill No. 206 be placed on second reading for today carried.

The motion by Senator Clarke that Rule 58 be suspended carried.

The motion by Senator Clarke that Engrossed House Bill No. 206 be made a special order of business for 3:00 p.m. today carried.

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I have talked to our newly elected officers and it is my suggestion that the President appoint an escort to escort the three new officers to the rostrum and at their request, if the lieutenant governor would please administer the oath."

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Craswell, Newhouse, Fuller, Shinpoch, Williams and Bauer to escort the newly elected President Pro Tempore, Senator Sam C. Guess; the newly elected Vice President Pro Tempore, Senator George W. Clarke; and the newly elected Sergeant at Arms, Fred Hildebrand to the rostrum.

President Cherberg administered the oath of office to each of the newly elected officers.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored and distinguished members of the Washington State Senate and other ladies and gentlemen.

"It is with pleasure that the President at this time presents to you the Honorable Sam C. Guess, president pro tem of the Washington State Senate."

REMARKS BY SENATOR GUESS

Senator Guess: "Thank you, Governor. It is with a great deal of trepidation and humility that I stand here before you; and it is so sudden that I do not have a great deal to say. I just wanted to say I thank you very much. I will try to be as fair and as considerate of everyone as those who have preceded me here; and you are my friends and I will hope to keep that same degree of friendship that I have had with all of you for these last nineteen years. It is truly a momentous occasion and I just want to say 'Thank you very much.'

"And I would like very much to share this moment with my wife who is sitting in the front row and ask that you also recognize her.

"Thank you, Governor. I look forward to working with you."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much Sam; I shall also be looking forward to working with you with great interest; and the President apologizes to you and to Dorothy for not noting her presence in the gallery. Must be a sign of old age.

"And now it is also a great pleasure to present to you a very good friend of many, many years standing, the Honorable George W. Clarke. George, won't you please come up and favor us with your remarks."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Governor. I would simply reiterate the very well-spoken words of Senator Guess; and you can be assured that I will do my best to perform well and ably in my new position, for which I am grateful."

REMARKS BY THE PRESIDENT

President Cherberg: Thank you very much, George.

"And now it is also with great pride that the President presents to you, a man who has served the Washington State Senate for many years, long and faithfully, the Honorable Fred Hildebrand. Won't you please come up, Fred?"

REMARKS BY FRED HILDEBRAND

Sergeant at Arms Hildebrand: "This is a real privilege and honor for me, and I will do the best job that I know; and I have lots of guidance from the Governor which I will take, and advice."

REMARKS BY THE PRESIDENT

President Cherberg: "The President is sure that everyone in the Senate and the people in the galleries join with the President in extending heartiest congratulations to these three fine gentlemen, and the President is most sincere when he says he shall look forward with great interest to working with these men.

"Would the Senate committee of honor please escort our distinguished Senators to their respective desks?"

The committee of honor escorted the newly elected officers to their seats in the Senate Chamber and the committee was discharged.

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3531.

SECOND READING

SENATE BILL NO. 3531, by Senators Goltz, Jones, McDermott, Scott and Ridder:

Making a capital appropriation to Western Washington University.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senator Bill No. 3531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3531, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Haley—1.

SENATE BILL NO. 3531, 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.

MOTIONS

On motion of Senator Talmadge, the Judiciary Committee meeting scheduled for today was cancelled.

On motion of Senator Clarke, all committee meetings were cancelled until further notice.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored and esteemed members of the Senate, prior to placing Senator Clarke's motion, the President should like to respectfully offer his thanks and appreciation to Senator Goltz, to Senator Talley, and Sergeant at Arms Johnson for the magnificent and noble manner in which you conducted your responsibilities and duties.

"The President is indeed privileged and pleased to have had the opportunity to serve with you gentlemen, and wishes you well."

MOTION

At 12:52 p.m., on motion of Senator Clarke, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

There being no objection, the Senate was declared to be at ease until 3:15 p.m.

The President called the Senate to order at 3:15 p.m.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 206. Earlier today, on motion of Senator Clarke, the Committee on Ways and Means was relieved from further consideration of that bill.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways and Means (originally sponsored by Representative Chandler)

Adopting a supplemental budget.

Substitute House Bill No. 206, as amended by the Senate, passed the Senate on February 9, 1981. The House refused to concur in the Senate amendments and returned the measure to the Senate. On February 12, 1981, the bill was referred to the Senate Committee on Ways and Means. On February 13, 1981, the rules were suspended and the measure was placed on second reading. The following action occurred:

Senator McDermott moved adoption of an amendment to page 7, line 28, by Senators Gaspard, Ridder, Fleming, Rasmussen, Wojahn, Haley, Hughes, and Gallagher.

POINT OF INFORMATION

Senator McDermott: "Mr. President, I want to ask a point of information.

"The amendments which we are offering to House Bill 206, if we consider them on the amendment, and then there is a striking amendment which takes them off, can we then again consider them on the striking amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "In reply to your point of information, Senator McDermott, when the striking amendment is proposed, you will have the opportunity to perfect it, with the same amendments."

Senator McDermott: "With the same amendments?"

President Cherberg: "Yes."

There being no objection, on motion of Senator McDermott, the amendment was withdrawn.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Gaspard:

Beginning on page 6, line 5 and insert the following:

"Sec. 30. Section 100, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION ALLOCATION FOR FISCAL YEARS 1980 AND 1981

General Fund Appropriation—State	\$	(2,063,520,000)
		<u>2,046,520,000</u>

General Fund—State Timber Tax Reserve Account

Appropriation	\$	20,000,000
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Common School Construction Fund Appropriation	\$	19,956,000
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General Fund—Resource Management Cost Account

Appropriation	\$	5,823,000
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<u>Total Appropriation</u>	<u>\$</u>	<u>2,092,299,000</u>
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The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) No district may grant from any fund source whatsoever any percentage salary increase greater than that provided in sections 100, 102, 103, and 106 of this act.

(2) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1979–80 school year shall be at 100% of formula and 100% of formula in the 1980–81 school year. One hundred percent of formula for each school district shall be determined by the superintendent of public instruction as follows:

(a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education as follows:

(i) For grades K–6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K–6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students.

(d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) Total certificated compensation entitlement for school year 1979-80 shall be the sum of the following subsections:

(i) Maintenance of compensation shall be calculated using each district's 1978-79 base salary established in section 101 of this act times the number of certificated staff units generated in subsection (2)(a) through (d) of this section in each district times each district's particular 1979-80 average staff mix factor improved by seven and forty-three hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1979-80 average staff mix factor, times the percentage salary increase for each district pursuant to section 102 of this act improved by six and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(f) Total certificated compensation entitlement for school year 1980-81 shall be equal to the sum of the following subsections:

(i) Maintenance of compensation shall be calculated by using each district's 1978-79 base salary established in section 101 of this act improved by the percentage salary increase for each district pursuant to section 102 of this act, times the number of staff units generated in subsection (2)(a) through (d) of this section times each district's particular 1980-81 average staff mix factor improved by seven and seventy-eight hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1980-81 average staff mix factor, improved by the percentage salary increase pursuant to section 102 of this act, times the percentage salary increase pursuant to section 103 of this act improved by six and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (2) (a), (c) and (d) of this section, and one classified staff unit for each sixty vocational full time equivalent students, for each school district shall be established.

(h) Total 1979-80 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary established in section 104 of this act improved by nineteen and thirty-one hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary established in section 104 of this act times the classified units established in subsection (2)(g) of this section times eight percent salary increase improved by thirteen and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(i) Total 1980-81 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary for each district improved by eight percent improved by nineteen and sixty-six hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary for each district improved by eight percent times the number of staff units established in subsection (2)(g) of this section, times six percent salary increase improved by thirteen and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(j) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1979-80 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$3,910 for each such certificated staff unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section, multiplied by \$6,893 for each such certificated staff unit.

(k) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1980-81 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$4,184 for each such certificated unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section multiplied by \$7,375 for each such certificated staff unit.

(3) Not more than \$10,460,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1979-80 school year from the 1978-79 base enrollment level and in the 1980-81 school year from the 1979-80 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1979-80 and 1980-81 school years to such districts on the basis of current school year enrollment plus one-half the amount of the enrollment decline from the prior school year level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous school year.

(4) The superintendent of public instruction shall distribute not more than \$19,507,000 of the funds appropriated by this section, outside of the basic education allocation to school districts as follows:

(a) For school district emergencies, not more than \$500,000.

(b) For fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; not more than \$280,000 for the 1979-80 school year and not more than \$280,000 for the 1980-81 school year.

(c) Not more than \$6,138,000 shall be expended for extracurricular and extended duty pay to be distributed on the basis of \$85 per state funded full time

equivalent certificated staff per year in the following programs: Basic education, secondary vocational education, general support, handicapped, and special needs.

(d) For substitute teachers, to be distributed to districts on the basis of the number of state supported employees who are classroom teachers; for fiscal year 1980, an amount not to exceed \$5,447,000 and for fiscal year 1981, an amount not to exceed \$6,562,000: PROVIDED, That such distribution shall be for not more than five days per classroom teacher and shall be reimbursable at a rate of forty dollars per day exclusively for sick leave days taken.

(e) Not more than \$300,000 for nonhigh school district billings for documented shortages caused by application of the levy lid act, chapter 325, Laws of 1977 ex. sess.

(5) The superintendent of public instruction shall ensure that data reported by each school district regarding the staff mix factor is accurate for allocation purposes.

NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation—State	\$	607,000
General Fund—Resource Management Cost Account		
Appropriation	\$	3,177,000
Total Appropriation	\$	3,784,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$2,542,000 shall be expended for handicapped excess costs.
- (2) Not more than \$1,000,000 shall be expended for the pupil transportation program.
- (3) Not more than \$242,000 shall be expended for adult education at vocational-technical institutes.

Sec. 32. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 5, chapter 6, Laws of 1980 and RCW 28A.48.010 are each amended to read as follows:

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	9%
October	9%
November	5.5%
December	9%
January	9%
February	9%
March	9%
April	9%
May	5.5%
June	9%
July	8.5%
August	8.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an

amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) Notwithstanding the apportionment percentages prescribed in subsection (1) of this section, for the period ending August 31, 1981, the June apportionment shall be 4.23 percent and the July and August apportionments shall each be 10.885 percent."

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment to Engrossed Substitute House Bill No. 206 to page 6, line 5 by Senators McDermott and Gaspard.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Wojahn moved adoption of the following amendments by Senators Wojahn, Haley, Gaspard, Gallagher, Ridder, Fleming and Rasmussen:

On page 7, strike all of line 20 and insert the following:

"General Fund—State Timber Tax Reserve

Account Appropriation	\$	1,385,337
Total Appropriation	\$	5,169,337

On page 7, after line 28, insert the following:

"(4) Not more than \$1,385,337 shall be expended for state authorized compensation improvements for vocational-technical institutes."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the amendments by Senators Wojahn, Haley, Gaspard, Gallagher, Ridder, Fleming and Rasmussen.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, I endorse Senator Haley's speech but not his vote. I want to make that very clear; I thought he was supporting Voc-Tech schools."

POINT OF ORDER

Senator Clarke: "Personal privilege does not extend to commenting upon any matter before the body that has been voted on as an issue."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken, Senator Rasmussen."

Senator Rasmussen: "Well Mr. President, I was led astray and Senator Clarke would never want that to happen."

Senator Clarke: "I hope it happens often."

POINT OF ORDER

Senator Bottiger: "Mr. President, would Senator Clarke yield to a question, please?"

"Senator Clarke, in helping speed up the consideration of House Bill 206, we extended some cooperation, and one of the things I thought we had an understanding is, that we would have a copy of your proposals so that we could offer amendments to it.

"We are having a very difficult time figuring out where to put our amendments and at what dollar level; and I was wondering, it is now forty-five minutes after we agreed to start working on this, where this proposed amendment is?"

(Senator Clarke yielded to Senator Scott)

Senator Scott: "The striking amendment contains all of the items we have discussed so far, Senator, and it requires seventy-five copies and the collator only does forty-five and so we needed fifteen minutes, starting about ten minutes ago."

Senator Bottiger: "So then, Senator Scott, about five minutes from now we could get the copy so that we could propose amendments to it; we would be able to know what level you were and how we could offer our amendments?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "In response to Senator Bottiger, I think that the issues which are presently being debated as amendments to the bill which is now before us, which you have a right to endeavor to perfect, in reality, cover much the same as the amendments which you would propose to put after the striking amendment; and we had endeavored, in a way, to give you this opportunity. There are, apparently, some mechanical difficulties which I think you would appreciate, as they have happened on both sides of the aisle. We are endeavoring to get this to you as soon as possible.

"If you would prefer, we could be at ease for a short period of time until the Scott amendments are prepared and I think that probably would save the time of the body; and if you so desire, we will be glad to put us at ease."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator, I think that would be an excellent suggestion; then we are not in a position of offering an amendment which Senator Scott says is already handled."

REMARKS BY THE PRESIDENT

President Cherberg: "The President wishes to point out that there are additional amendments pending."

MOTION

At 4:05 p.m., on motion of Senator Clarke, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 5:10 p.m.

The Senate resumed consideration of Engrossed Substitute House Bill No. 206.

There being no objection, on motion of Senator McDermott, an amendment to page 5, line 19 on the desk of the Secretary of the Senate was withdrawn.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of an amendment by Senator Scott to Engrossed Substitute House Bill No. 206.

POINT OF INFORMATION

Senator McDermott: "Mr. President, what will be your ruling if an amendment is considered not in sequential order; in other words, will we be allowed to offer an amendment to one section and then go back to another section if they happen to come up out of order?"

POINT OF INQUIRY

Senator Clarke: "May I ask Senator McDermott as to the reason he might have for offering amendments out of order. We want to give you every reasonable consideration, but why is it that you find it necessary not to proceed orderly?"

Senator McDermott: "Mr. President and members of the Senate.

"Senator Scott, or Senator Clarke, you have laid upon the desk an amendment of twenty-nine pages that the Senate has never seen before and are asking us to rush it through. We have, in forty-five minutes, written a number of amendments and we are still, our staff is still working on amendments to your striking amendment.

"In order to deal with the striking amendment, we are doing it as quickly as we can. We may not have every amendment up on the desk but we will continue to put them up there as quickly as we can."

REPLY BY SENATOR CLARKE

Senator Clarke: "Mr. President, we would wish to give you every reasonable consideration, but we would reserve the right to raise the point of order if at any time we feel that your procedure is unreasonable."

MOTION

Senator Scott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in this 1981 act is hereby adopted and, subject to the provisions set forth in this 1981 act, the several amounts specified in this 1981 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 1,400,000

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation \$ 800,000

NEW SECTION. Sec. 4. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 500,000

NEW SECTION. Sec. 5. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation \$ 41,000

The appropriation contained in this section shall be used exclusively for payment of costs of receivership services provided in the case of H & A Associates, Incorporated, provided that reimbursement is not received prior to June 30, 1981.

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 275,000

NEW SECTION. Sec. 7. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 189,000

NEW SECTION. Sec. 8. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation \$ 4,200,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be used exclusively for grants to those units of local government most severely impacted by the eruptions of Mt. St. Helens as determined pursuant to this section.

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "FEMA costs" means the difference between those costs of a unit of local government resulting from Mt. St. Helens eruptions which are eligible for reimbursement under criteria established by the federal emergency management agency and those funds provided, or to be provided, by the federal emergency management agency to the unit of local government.

(b) "Units of local government" means counties, cities, towns, special purpose districts, and municipal or quasi municipal corporations.

(c) "Operating budget" means those budget items of a unit of local government other than capital, enterprise, and any special revenue-funded budget items, to be specifically delineated by the office of financial management.

(2) The office of financial management shall develop a distribution mechanism for these grants subject to the following criteria:

(a) The only costs eligible for reimbursement and the only costs used in calculating the distribution of grants shall be FEMA costs.

(b) Grants shall not be distributed to units of local government having a FEMA cost impact of less than four percent of their operating budget.

(c) Grants shall be distributed in a relationship that provides a greater percentage reimbursement to those units of local government whose FEMA costs represent a greater proportion of their operating budget, but in no instance shall a unit of local government receive grants in excess of seventy-five percent of their FEMA costs.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Department of General Administration Facilities and

Services Revolving Fund Appropriation \$ 540,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING

Highway Safety Fund Appropriation \$ 14,000

NEW SECTION. Sec. 11. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account

Appropriation \$ 469,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation \$ 350,000

The appropriation contained in this section shall be expended exclusively for emergency forest fire suppression.

Sec. 13. Section 52, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources \$ ~~((1,239,677,000))~~

1,325,993,000

Federal Funding Sources \$ ~~((848,298,000))~~

936,195,000

Other Funding Sources \$ 13,433,000

Total of all Funding Sources \$ ~~((2,101,408,000))~~

2,275,621,000

Total FTE Staff Years ~~((28,435))~~

27,961

The appropriations contained in sections 53 through 65 of this act shall be subject to the following conditions and limitations:

(1) The department shall not initiate any new services beyond those authorized by appropriation in this act without approval of the office of financial management. The senate ways and means committee and the house appropriations committee of the legislature shall be advised of any approvals.

(2) Funds appropriated to programs in sections 53 through 65 of this act shall be initially allotted reflecting the fiscal assumptions and legislative intent of this act. ~~((Transfers between programs may occur only to the extent required to meet obligations deriving from federal matching requirements and legislative intent regarding federal programs as expressed in this appropriations act.))~~ Transfers between or within programs may occur notwithstanding any limitation, condition, or proviso in sections 53 through 65, chapter 270, Laws of 1979 ex. sess., when approved by the office of financial management. Prior to implementation of any transfer, an analysis of the programmatic impacts and justification of approved ~~((amendments to this plan))~~ transfers will be conveyed by the office of financial management to the senate ways and means committee and the house appropriations committee of the legislature.

(3) The department of social and health services will cooperate with the state energy office and participate in the programs established by Title III of the National Energy Conservation Policy Act.

Sec. 14. Section 1, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADULT CORRECTIONS PROGRAM

There is appropriated to the department of social and health services for the adult corrections program for the biennium ending June 30, 1981, the following amount, or so much thereof as may be necessary:

General Fund Appropriation \$ 9,144,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$2,440,000 shall be expended for the operation of Cedar Creek as an adult corrections facility.

~~((2) \$206,000 shall be expended for a modular home construction vocation training program at the Washington state penitentiary:~~

~~(3) \$788,000 shall be expended for relief coverage required to be provided due to correctional officer training.~~

~~(4) \$733,000 shall be expended for provision of additional beds within the institutions:~~

~~(5) \$2,145,000 shall be expended for the costs incurred at the Washington state penitentiary resulting from the lockdown:))~~

Sec. 15. Section 53, chapter 270, Laws of 1979 ex. sess. as amended by section 8, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADULT CORRECTIONS PROGRAM

General Fund Appropriation \$ ((+12,318,000))
115,847,000

Total FTE Staff Years 4,299

The appropriation contained in this section shall be subject to the following conditions and limitations:

~~—((1) Not more than \$1,702,000 from the general fund shall be expended for community services.~~

~~(2) Not more than \$1,716,000 from the general fund and 76.0 FTE's shall be expended for intensive parole.~~

~~(3) Not more than \$15,679,000 from the general fund and 731 FTE's shall be expended for probation and parole.~~

~~(4) Not more than \$7,002,000 from the general fund and 152 FTE's shall be expended for work/training release.~~

~~(5) Not more than \$81,663,000 from the general fund and 3,259 FTE's shall be expended for institutional staffing:~~

~~(6) \$123,000 from the general fund shall be expended to contract with a non-profit corporation to provide a diversionary program for convicted felons with prior conviction records and prior incarcerations. No felon may participate in the program if: (a) he or she has a prior conviction for any violent or inherently dangerous felony, or (b) the crime for which he or she is being diverted into the program is a violent or inherently dangerous felony. For the purposes of this section, "violent or inherently dangerous felony" means rape in the first or second degree, robbery in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, or arson in the first or second degree. Prior to entering into the contract, the secretary of the department of social and health services must have assurance of the cooperation of the superior court bench of the county in which the program will be implemented. The program shall include the following:~~

~~(a) A contractual agreement between such nonprofit corporation and the felon with approval of the sentencing judge. Such agreement will describe work performance and restitution expectations, and judicial conditions and review;~~

~~(b) A fully controlled residential component;~~

~~(c) Supervision by a probation officer of the department of social and health services;~~

~~(d) Coordination of all activities by a case manager employed by such nonprofit corporation;~~

~~(e) Job development and placement services which will guarantee each participant regular employment;~~

~~(f) Specialized alcohol, drug, and counseling services; and~~

~~(g) Participation of community and corporate entities which will provide \$1,212,000 in direct and in-kind support.~~

~~(7) Not more than \$25,000 from the general fund will be expended for a program evaluation by an independent third party of the diversionary program set forth in subsection (6) of this section. Such evaluation will commence with the initiation of the contract and shall include the following:~~

~~(a) Evaluation of the intake procedures, including initial screening, final screening, the contract between the nonprofit organization and the convicted felon, and the participant selection process;~~

~~(b) Evaluation of the program elements;~~

~~(c) Evaluation of the program impact on recidivism using the measures of rearrest, type of rearrest offense, reconviction, revocation and recommitment;~~

~~(d) Evaluation of the control group;~~

~~(e) Data collection and analysis; and~~

~~(f) A cost benefit analysis.~~

~~(8) In the event chapter ... (Substitute House Bill No. 144), Laws of 1979 1st ex. sess. fails to pass, \$100,000 will be reverted to the general fund.~~

~~(9) \$347,000 shall be expended for the funding of private nonprofit diversion programs for persons convicted of alcohol and substance abuse related crimes and who are placed on probation, parole, or work training release.))~~

\$2,000,000 is provided for the temporary use of McNeil Island as an adult correctional facility.

Sec. 16. Section 54, chapter 270, Laws of 1979 ex. sess. as amended by section 9, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	((51,197,000))
		49,433,000
General Fund Appropriation—Federal	\$	747,000
Total Appropriation	\$	((51,944,000))
		50,180,000
Total FTE Staff Years		((1,966))1,897

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$600,000 from the general fund and 50 FTE staff years shall be held in reserve for the sole purpose of providing adequate staffing within the institutions and to allow residence units not currently being utilized to be opened and staffed. Staffing patterns within the residence units will provide for at least two staff persons during those periods, other than normal sleeping hours, when residents are not attending classes or involved in work programs.

(2) Not more than \$30,000 shall be expended for resource development and coordination and educational program development and coordination.

(3) \$800,000 and 26 FTE staff years shall be expended for a mental health unit at Maple Lane School, except that such unit will be fully implemented and operational by September 30, 1979, except that if such unit is not implemented and operational by September 30, 1979, the operational responsibility will be transferred to the mental health division of the department of social and health services.

(4) No funds shall be expended for the lease-back of any institutional facility.

Sec. 17. Section 55, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM

General Fund Appropriation—State	\$	((98,559,000)) 100,304,000
General Fund Appropriation—Federal	\$	((17,184,000)) 17,522,000
General Fund Appropriation—Local	\$	2,119,000
Total Appropriation	\$	((17,862,000)) 119,945,000
Total FTE Staff Years		((3,110)) 3,108

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$31,845,000 of which \$11,396,000 shall be from federal funds shall be expended to maintain and enhance the present level of community mental health services, except that, of this amount, \$373,000 from state funds shall be expended to continue the "grandfathered" level of support through the 1979-81 biennium at which time this level of support shall be terminated.

~~(2) ((5,500,000 from state funds shall be expended for the purpose of providing staffing grant-in-aid to the nonprofit community mental health centers and to nonprofit mental health providers. PROVIDED, That no more than a total of \$200,000 may be assigned to nonprofit mental health providers.~~

~~(3))~~ (3)) \$500,000 from state funds shall be expended to implement a program for the violent, disturbed child.

~~((4))~~ (3) \$262,000 from state funds ~~((staff))~~ may be expended to maintain institutional legal services.

~~((5))~~ (4) \$302,000 from state funds shall be expended for a demonstration project providing case management, residential, and support services to chronic seriously mentally ill adults who have continual histories of admission and readmission to eastern state hospital.

~~((6))~~ (5) \$400,000 from state funds shall be expended for a demonstration project in four counties to provide full case management services.

~~((7))~~ (6) \$984,000, of which \$49,000 shall be from federal funds, and 60 FTE staff years shall be held in reserve for the sole purpose of providing adequate staffing with the state hospitals.

~~((8))~~ (7) Not more than \$250,000 shall be expended for a demonstration project to reduce the number of hospitalizations of children assessed by mental health professionals as needing hospital care, provided that the project will involve intensive in-home family crisis and education services conducted by highly-trained individuals and shall include an evaluation component to compare the outcomes with those of similar children who are hospitalized. The department shall submit this evaluation to the legislature by January 5, 1981.

Sec. 18. Section 56, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM

General Fund Appropriation—State	\$	((99,439,000)) 99,956,000
General Fund Appropriation—Federal	\$	((61,900,000)) 59,893,000
Total Appropriation	\$	((161,339,000))

Total FTE Staff Years..... $\frac{159,849,000}{((6,821))}$ 6,750

The appropriations contained in this section are subject to the following conditions and limitations:

(1) \$1,718,000 (of which \$859,000 shall be from federal funds) ~~((with))~~ may be expended for home aide services, assuming six hundred fifty-five cases per month in fiscal year 1980 and seven hundred thirty-one cases per month in fiscal year 1981.

(2) Not more than \$682,000 (of which \$46,000 shall be from federal funds) shall be expended to increase the personal needs allowance of clients in group homes and institutions to \$32.50 per month.

(3) \$78,000 from state funds ~~((shall))~~ may be expended for the provision of legal services for institutionalized persons: PROVIDED, That no moneys may be expended on deinstitutionalization lawsuits.

~~((4))~~ ~~(\$2,793,000 from state funds shall be expended solely for the purpose of providing vendor rate increases.~~

~~((6))~~ Extended sheltered employment will be provided in the vocational rehabilitation program and none of the appropriations contained in this section shall be expended for such services.

~~((7))~~ (5) Not more than \$344,000 shall be allocated for a pilot project for disturbed youth to develop a treatment program for certain youth with multiple problems that do not fit within the specific eligibility criteria of the various service programs of the department of social and health services. The department shall provide the appropriate legislative committees an evaluation and monitoring report semiannually regarding the effectiveness of this pilot project, and shall provide to the forty-seventh legislature, no later than January 5, 1981, an evaluation report containing recommendations for future programming.

~~((8))~~ (6) Not more than \$2,946,000 shall be expended exclusively to increase compensation for group home resident care and support staff, excluding administrative staff.

Sec. 19. Section 58, chapter 270, Laws of 1979 ex. sess. as amended by section 10, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
NURSING HOMES PROGRAM**

General Fund Appropriation—State	\$	((+22,273,000))
		<u>128,834,000</u>
General Fund Appropriation—Federal	\$	((+21,595,000))
		<u>128,084,000</u>
Total Appropriation	\$	((243,868,000))
		<u>256,918,000</u>

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (1) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be one hundred fifteen percent of the average of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient per day amount.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. For July 1980 rate setting, rental costs of leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property costs exceed the upper limit of the multiple regression formula.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation will be extended to \$32.50 per month.

(8) ~~(((\$500,000, or so much thereof as may be necessary, may be expended by the department of social and health services for purposes of retaining special private counsel, subject to the concurrence of the governor, to defend the department against law suits challenging the cost reimbursement system of the department of social and health services:~~

~~(9))~~ (9) \$810,000, of which \$404,000 shall be from federal funds, shall be used to implement a program which will enable short-term placement in nursing homes.

~~(((\$10))~~ (9) \$1,800,000 (of which \$900,000 shall be from federal funds) may be used for reimbursement of costs incurred from the training of nurses' assistants.

Sec. 20. Section 59, chapter 270, Laws of 1979 ex. sess. as amended by section 11, chapter 167, Laws of 1980 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME MAINTENANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	((310,017,000)) 362,698,000
General Fund Appropriation—Federal	\$	((205,932,000)) 266,072,000
Total Appropriation	\$	((515,949,000)) 628,770,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) ~~(((\$31,928,000 (of which \$10,052,000 shall be from federal funds) shall be expended for the purposes of providing a 10.0% per year increase to all assistance grants:~~

~~((2))~~) \$1,496,000 from state funds shall be expended to increase the personal needs allowance of clients in nursing homes and congregate care facilities to \$32.50 per month.

~~((3))~~) (2) \$5,036,000 (of which \$448,000 shall be from federal funds) shall be expended solely for vendor rate increases of 7.0% per year.

~~((4))~~) (3) \$760,000 from state general funds shall be expended to provide forty-eight hours of shelter care for victims of domestic violence.

~~((5))~~) (4) \$360,000 from state general funds ~~((staff))~~ may be expended to provide a variable one-time allowance for persons without resources who are discharged from a skilled nursing facility.

~~((6))~~) (5) \$900,000 of state funds and \$600,000 of federal funds shall be expended to place Kitsap county residents into Area I grant standards eligibility and pay such grants accordingly.

~~((7))~~) (6) Not more than \$1,869,000 shall be expended exclusively to increase compensation for employees of congregate care facilities, excluding administrative staff.

~~((8))~~) (7) From the appropriation contained in this section, the department shall implement a 1.0% grant standard increase for all public assistance recipients effective July 1, 1980, in addition to the grant increase provided in subsection (1) of this section; except that, up to an additional 2.0% grant standard increase for all public assistance recipients may be implemented from the savings generated by the supplemental security income cost-of-living increase provided for fiscal year 1981.

(8) \$1,834,000 (of which \$917,000 shall be from state funds) is provided for the federal emergency assistance program at the food only level.

Sec. 21. Section 60, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SOCIAL SERVICES GRANTS PROGRAM**

General Fund Appropriation—State	\$	((79,755,000))
		83,255,000
General Fund Appropriation—Federal	\$	65,624,000
General Fund Appropriation—Local	\$	100,000
Total Appropriation	\$	((145,479,000))
		149,079,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

~~((4))~~) (1) \$161,000 from state funds shall be provided to the department of personnel alcoholism program for state employees stationed in eastern Washington, except that this program shall be initiated in eastern Washington by January 1, 1980; otherwise the funds shall revert to the general fund.

~~((5))~~ ~~\$866,000, of which \$434,000 shall be from federal funds, shall be expended to provide enhancement of the foster care program, including the establishment of a foster parent's property damage or loss fund, an increase in the clothing allowance, and a children's needs assessment.~~

~~((6))~~) (2) Reimbursement to private child caring agencies responsible for foster care placement shall be increased from \$33 per month per child to \$50 per month per child.

(3) Chore services authorized under RCW 74.08.540 shall be provided through June 30, 1981, for those individuals who are adult recipients of supplemental security income and/or state supplementation and other individuals having income equal to or less than the state standards for state supplementation/supplemental security income. \$2,000,000 from state funds shall be used to continue chore services for a period ending not later than April 30, 1981, for those individuals who received chore services in February, 1981, but who are not eligible under the preceding sentence.

(4) \$1,600,000, or so much as is necessary, shall be used to provide bureau of community and residential care (BCRC) attendant care services, through June 30, 1981, to those individuals who received attendant care services in February, 1981.

Sec. 22. Section 61, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	((201,114,000)) 238,061,000
General Fund Appropriation—Federal	\$	((148,435,000)) 178,689,000
Total Appropriation	\$	((349,549,000)) 416,750,000

The appropriations contained in this section shall be subject to the following condition((s)) and limitation((s)):

~~((1)) \$23,743,000 (of which \$9,628,000 shall be from federal funds) shall be expended solely for inflationary increases for hospitals.~~

~~((2)) \$23,236,000 (of which \$10,307,000 shall be from federal funds) shall be expended solely for inflationary increases for medical vendors other than hospitals.~~

\$1,923,000 (of which \$961,000 shall be from state funds) is provided in the federal emergency assistance program medical services.

Sec. 23. Section 62, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PUBLIC HEALTH PROGRAM**

General Fund Appropriation—State	\$	((20,556,000)) 19,430,000
General Fund Appropriation—Federal	\$	((49,745,000)) 49,731,000
General Fund Appropriation—Local	\$	400,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Sup- ply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27)— Reappropriation	\$	10,814,000
Total Appropriation	\$	((81,515,000)) 80,375,000
Total FTE Staff Years		((838)) 817

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,266,000 from state funds ~~((shall))~~ may be used ~~((solely))~~ for supplemental funding to kidney centers.

(2) \$400,000 from state funds ~~((will))~~ may be used ~~((solely))~~ to continue the contract for the purchase of cancer research.

(a) Local offices are to provide outreach for the EPSDT program.

(b) The department shall develop a screening/billing form to be used by EPSDT providers as a requirement for payment.

(c) The department shall develop a reporting system which will enable follow-up to the EPSDT diagnosis and treatment process.

(d) 2 FTE's shall be used by the department for the coordination and management of the EPSDT program.

(3) \$800,000 of the general fund appropriation—state is contingent upon reduction of a like amount from section 19, chapter 261, Laws of 1979 ex. sess.

Sec. 24. Section 19, chapter 261, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund to the department of social and health services for the 1979-81 biennium, the sum of (~~two million two hundred twenty-nine~~) one million four hundred thousand dollars and twelve additional FTE staff years or so much thereof as may be necessary to carry out the purposes of RCW 18.71.200 through 18.71.210 and chapter 18.73 RCW.

((No less than sixty percent of the appropriated funds shall be disbursed in the form of grants under section 8 of this act.))

Sec. 25. Section 63, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund Appropriation—State	\$	((7,196,000)) 7,150,000
General Fund Appropriation—Federal	\$	((35,741,000)) 35,665,000
Total Appropriation	\$	((42,937,000)) 42,815,000
Total FTE Staff Years		((658)) 648

The appropriation contained in this section shall be subject to the following condition or limitation: \$2,871,000 of which \$2,153,000 shall be federal funds shall be expended for the extended sheltered employment program.

Sec. 26. Section 64, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation—State	\$	((52,875,000)) 49,631,000
General Fund Appropriation—Federal	\$	((33,837,000)) 34,847,000
Total Appropriation	\$	((86,712,000)) 84,478,000
Total FTE Staff Years		((2,951)) 2,815

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$14,003,000 of which \$8,359,000 shall be federal funds, and 702 FTE's shall be expended for support enforcement.

(2) Not more than \$2,526,000 of which \$923,000 shall be federal funds, and 104 FTE's shall be expended for fair hearings.

(3) Not more than \$17,628,000 of which \$5,371,000 shall be federal funds, and 526 FTE's shall be expended for information systems.

~~((4) \$115,000 of which \$23,000 shall be federal funds shall be expended to increase the personal needs allowance to \$32.50 per month.))~~

Sec. 27. Section 65, chapter 270, Laws of 1979 ex. sess. as amended by section 1, chapter 158, Laws of 1980 and by section 12, chapter 167, Laws of 1980 (uncodified) is reenacted and amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund Appropriation—State	\$	((70,935,000)) 71,294,000
General Fund Appropriation—Federal	\$	((+03,001,000))

Total Appropriation	\$	99,321,000 ((173,936,000))
Total FTE Staff Years		170,615,000 ((7,792)) 7,629

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Fifty-two FTE's shall be utilized in the delinquency prevention and crisis intervention intake services program. During the 1979-1981 biennium, the delinquency prevention services program shall be maintained without any significant changes.

(2) Not more than 258 FTE staff years and \$7,852,000 (of which \$7,736,000 shall be from federal funds) shall be utilized in the disability insurance benefits section.

(3) The department of social and health services shall obtain competitive bids from the private sector for the purpose of the administration of the dental program with medical assistance.

NEW SECTION. Sec. 28. The department shall conduct a random sample of those individuals affected by the elimination and/or reduction of the public assistance programs as required by this supplemental budget. This study shall include a detailing of the following impacts: (1) The extent to which individuals are institutionalized as a result of loss of assistance; (2) the number of individuals which were able to find assistance from private sources to meet basic needs; (3) the number of individuals who become enrolled in another state or locally funded program. The department shall provide this report within existing research resources.

NEW SECTION. Sec. 29. The department shall conduct a random sample of those individuals affected by the reduction of chore services as required by this supplemental budget. This study shall include a detailing of the following impacts: (1) The extent to which individuals are institutionalized as a result of loss of assistance; (2) the number of individuals which were able to find assistance from private sources to meet basic needs; and (3) the number of individuals who become enrolled in another state or locally funded program. The department shall provide this report within existing research resources.

Sec. 30. Section 100, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION ALLOCATION FOR FISCAL YEARS 1980 AND 1981

General Fund Appropriation—State

\$	((2,063,520,000))
	2,050,620,000

General Fund—State Timber Tax Reserve Account

Appropriation	\$	24,000,000
Common School Construction Fund Appropriation	\$	19,956,000

General Fund—Resource Management Cost Account

Appropriation	\$	1,823,000
Total Appropriation	\$	2,096,399,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) No district may grant from any fund source whatsoever any percentage salary increase greater than that provided in sections 100, 102, 103, and 106 of this act.

(2) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1979-80 school year shall be at 100% of formula and 100% of formula in the 1980-81 school year. One hundred percent of formula for each school district shall be determined by the superintendent of public instruction as follows:

(a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students.

(d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(e) Total certificated compensation entitlement for school year 1979-80 shall be the sum of the following subsections:

(i) Maintenance of compensation shall be calculated using each district's 1978-79 base salary established in section 101 of this act times the number of certificated staff units generated in subsection (2)(a) through (d) of this section in each district times each district's particular 1979-80 average staff mix factor improved by seven and forty-three hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1979-80 average staff mix factor, times the percentage salary increase for each district pursuant to section 102 of this act improved by six and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(f) Total certificated compensation entitlement for school year 1980-81 shall be equal to the sum of the following subsections:

(i) Maintenance of compensation shall be calculated by using each district's 1978-79 base salary established in section 101 of this act improved by the percentage salary increase for each district pursuant to section 102 of this act, times the number of staff units generated in subsection (2)(a) through (d) of this section times

each district's particular 1980-81 average staff mix factor improved by seven and seventy-eight hundredths percent;

(ii) Total salary increase compensation for each district shall be calculated by multiplying the 1978-79 base salary times the total number of staff units generated in subsection (2)(a) through (d) of this section times the 1980-81 average staff mix factor, improved by the percentage salary increase pursuant to section 102 of this act, times the percentage salary increase pursuant to section 103 of this act improved by six and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per certificated full time equivalent staff units generated in subsection (2)(a) through (d) of this section.

(g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (2) (a), (c) and (d) of this section, and one classified staff unit for each sixty vocational full time equivalent students, for each school district shall be established.

(h) Total 1979-80 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary established in section 104 of this act improved by nineteen and thirty-one hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary established in section 104 of this act times the classified units established in subsection (2)(g) of this section times eight percent salary increase improved by thirteen and thirteen hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$85 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(i) Total 1980-81 basic education classified compensation entitlement for each district shall be equal to the sum of the following:

(i) Maintenance of classified compensation shall be equal to the staff units generated in subsection (2)(g) of this section times the 1978-79 average classified salary for each district improved by eight percent improved by nineteen and sixty-six hundredths percent;

(ii) Total salary increase compensation shall be equal to the 1978-79 average classified salary for each district improved by eight percent times the number of staff units established in subsection (2)(g) of this section, times six percent salary increase improved by thirteen and forty-eight hundredths percent; and

(iii) Health benefits shall be calculated at the rate of \$95 per month per classified full time equivalent staff units generated in subsection (2)(g) of this section.

(j) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1979-80 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$3,910 for each such certificated staff unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section, multiplied by \$6,893 for each such certificated staff unit.

(k) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for the 1980-81 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (2) (a), (c), and (d) of this section, multiplied by \$4,184 for each such certificated unit and shall utilize the number of certificated staff units computed for the purposes of subsection (2)(b) of this section multiplied by \$7,375 for each such certificated staff unit.

(3) Not more than \$10,460,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1979-80 school year from the 1978-79 base enrollment level and in the 1980-81 school year from the 1979-80 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1979-80 and 1980-81 school years to such districts on the basis of current school year enrollment plus one-half the amount of the enrollment decline from the prior school year level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous school year.

(4) The superintendent of public instruction shall distribute not more than \$19,507,000 of the funds appropriated by this section, outside of the basic education allocation to school districts as follows:

(a) For school district emergencies, not more than \$500,000.

(b) For fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; not more than \$280,000 for the 1979-80 school year and not more than \$280,000 for the 1980-81 school year.

(c) Not more than \$6,138,000 shall be expended for extracurricular and extended duty pay to be distributed on the basis of \$85 per state funded full time equivalent certificated staff per year in the following programs: Basic education, secondary vocational education, general support, handicapped, and special needs.

(d) For substitute teachers, to be distributed to districts on the basis of the number of state supported employees who are classroom teachers; for fiscal year 1980, an amount not to exceed \$5,447,000 and for fiscal year 1981, an amount not to exceed \$6,562,000: PROVIDED, That such distribution shall be for not more than five days per classroom teacher and shall be reimbursable at a rate of forty dollars per day exclusively for sick leave days taken.

(e) Not more than \$300,000 for nonhigh school district billings for documented shortages caused by application of the levy lid act, chapter 325, Laws of 1977 ex. sess.

(5) The superintendent of public instruction shall ensure that data reported by each school district regarding the staff mix factor is accurate for allocation purposes.

NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation—State	\$	607,000
General Fund—Resource Management Cost Account		
Appropriation	\$	3,177,000
Total Appropriation	\$	3,784,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$2,542,000 shall be expended for handicapped excess costs.
- (2) Not more than \$1,000,000 shall be expended for the pupil transportation program.
- (3) Not more than \$242,000 shall be expended for adult education at vocational-technical institutes.

Sec. 32. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 5, chapter 6, Laws of 1980 and RCW 28A.48.010 are each amended to read as follows:

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state

general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	9%
October	9%
November	5.5%
December	9%
January	9%
February	9%
March	9%
April	9%
May	5.5%
June	9%
July	8.5%
August	8.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) Notwithstanding the apportionment percentages prescribed in subsection (1) of this section, for the period ending August 31, 1981, the June apportionment shall be 4.5 percent and the July and August apportionments shall each be 10.75 percent.

**NEW SECTION. Sec. 33. FOR THE STATE TREASURER—
TRANSFERS**

General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 30, 1981, an amount up to \$18,000,000 (in addition to amounts appropriated in section 171, chapter 270, Laws of 1979 ex. sess.) \$ 18,000,000

State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before July 20, 1981, an amount up to \$11,600,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1982, for credit to the fiscal year in which earned (in addition to amounts appropriated in section 171, chapter 270, Laws of

1979 ex. sess.) \$ 11,600,000

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Bottiger moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 1, after line 14, insert:

"None of the funds contained in this appropriation may be used for electronic data processing equipment, programs or services, or for personnel to operate such equipment or provide such programs or services, purchased or contracted for from a firm having its place of incorporation or corporate headquarters outside the state of Washington."

On page 1, after line 19, insert:

"None of the funds contained in this appropriation may be used for electronic data processing equipment, programs or services, or for personnel to operate such equipment or provide such programs or services, purchased or contracted for from a firm having its place of incorporation or corporate headquarters outside the state of Washington."

Debate ensued.

POINT OF INQUIRY

Senator Charnley: "Senator Scott, I want you to explain to me why it is so vital that this be put into the supplementary budget. I do not understand. I understand redistricting and that it is coming down the road, but this is not something that has to be in now, is it?"

Senator Scott: "Redistricting is something that both political parties, in every state of the union to my knowledge, has been considering since the semi-final figures that the census put out on the decennial census last July and August.

"A number of computer programs have been run; people have been working on it, that includes both sides of the aisle in this room and across the other side of the building.

"It is something that you need to get working on as early as possible; you have a better chance of negotiating out the differences with the proper technological backup, so that we can have a bill out, preferably, or a commission alternative, or whatever is decided by this body by the time another seventy-two days have gone by."

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Shinpoch moved adoption of the following amendment to the amendment by Senator Scott:

On page 2, after line 3, insert:

"NEW SECTION. Sec. 6. FOR THE MUNICIPAL RESEARCH COUNCIL

Motor Vehicle Excise Tax Appropriation \$35,475"

Renumber the remaining sections consecutively.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Shinpoch to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Talmadge to the amendment by Senator Scott:

On page 1, line 22, after "\$" delete "\$500,000" and insert "560,000" and insert:

"Of the appropriation contained in this section, \$60,000 shall be used exclusively for payment of mandatory arbitration costs."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators McDermott and Talmadge to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Scott:

On page 4, lines 17 through 25, strike all material beginning with "~~Transfers~~" on line 17 down through "analysis" on line 25 and insert: "Transfer between programs may occur only to the extent required to meet obligations deriving from federal matching requirements and legislative intent regarding federal programs as expressed in this appropriations act."

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Scott:

On page 7, line 27, strike "\$2,000,000" and insert "\$5,000,000".

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, does that mean we will have a second supplemental budget to take care of these little things we keep finding?"

Senator Hayner: "I assume there is some money that they can shift from some other area."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Scott:

On page 7, line 27, before "is" delete "2,000,000" and insert "2,900,000"

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator McDermott, some of us view the comment made by Senator Clarke as an abrogation of legislative responsibility in giving blanket transfer authority. We supported it, that is a sound business practice. Would you suggest we extend this same courtesy to the superintendent of public instruction to administer common school funds?"

Senator McDermott: "Well, if it makes sense to give it to a bureaucrat who is appointed, it would certainly make sense to give it to somebody who is an elected

official. I would think the superintendent of public instruction would be responsible; we ought to just give him his \$2 billion (sic) dollars with no restrictions."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—27.

Absent or not voting: Senator Lysen—1.

Senator Shinpoch moved adoption of the following amendment to the amendment by Senator Scott:

On page 9, lines 14 through 18, strike subsection (2).

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Would Senator Scott yield to a question?"

President Cherberg: "Senator Scott declines to yield."

Further debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Shinpoch to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Fleming moved adoption of the following amendment to the amendment by Senator Scott:

On page 9, line 21, strike "~~(shall)~~ may" and insert "shall"

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Fleming to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Scott:

On page 8, beginning on line 27, strike all of section 17 and insert the following:

Sec. 17. Section 55, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

**"FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MENTAL HEALTH PROGRAM**

General Fund Appropriation—State	\$ ((98,559,000))
	<u>102,031,000</u>
General Fund Appropriation—Federal	\$ ((17,184,000))
	<u>17,552,000</u>
General Fund Appropriation—Local	\$ 2,119,000
	<u>121,672,000</u>
Total FTE Staff Years	3,110

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$31,845,000 of which \$11,396,000 shall be from federal funds shall be expended to maintain enhance the present level of community mental health services, except that, of this amount, \$373,000 from state funds shall be expended to maintain and enhance the present level of community mental health services, except that, of this amount, \$373,000 from state funds shall be expended to continue the "grandfathered" level of support through the 1979-81 biennium at which time this level of support shall be terminated.

(2) \$5,500,000 from state funds shall be expended for the purpose of providing staffing grand-in-aid to the nonprofit community mental health centers and to nonprofit mental health providers: PROVIDED, That no more than a total of \$200,000 may be assigned to nonprofit mental health providers. (3) \$500,000 from state funds shall be expended to implement a program for the violent, disturbed child.

(4) \$262,000 from state funds shall be expended to maintain institutional legal services.

(5) \$302,000 from state funds shall be expended for a demonstration project providing case management, residential, and support services to chronic, seriously mentally ill adults who have continual histories of admission and readmission to eastern state hospital. (6) \$400,000 from state funds shall be expended for a demonstration project in four counties to provide full case management services.

(7) \$984,000, of which \$49,000 shall be from federal funds, and 60 FTE staff years shall be held in reserve for the sole purpose of providing adequate staffing with the state hospitals.

(8) Not more than \$250,000 shall be expended for a demonstration project to reduce the number of hospitalizations of children assessed by mental health professionals as needing hospital care, provided that the project will involve intensive in-home family crisis and education services conducted by highly-trained individuals and shall include an evaluation component to compare the outcomes with those of similar children who are hospitalized. The department shall submit this evaluation to the legislature by January 5, 1981."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.
Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator McDermott moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 13, line 35, strike "362,698,000" and insert "376,385,000".

On page 14, line 2, strike "266,072,000" and insert "277,864,000".

On page 14, line 4, strike "628,770,000" and insert "654,249,000".

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator McDermott moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 15, line 12, strike "83,355,000" and insert "83,853,000".

On page 15, line 13, strike "65,624,000" and insert "((65,624,000)) 68,001,000".

On page 15, line 16, strike "149,079,000" and insert "151,854,000".

POINT OF INQUIRY

Senator Moore: "Senator McDermott, I am always seeking 'alternatives' — ways to save money; alternatives that may be better for the individual and for society in general.

"Could you tell me what the alternative is to cutting chore services?"

Senator McDermott: "Well, at least for some of the people who receive chore services, the alternative is a nursing home. We spend, in this state, more than a quarter of a billion dollars; we spend about thirty dollars a day, nine hundred or more dollars per month to keep somebody in a nursing home.

"Chore services are much less expensive and much more humane, and it seems to me that this is a much better program than to force people into nursing homes."

Senator Moore: "Senator McDermott, the last figure that I had was that it costs about three-quarters as much to keep somebody in his or her own home than sending them to a nursing home. Is this, in your view, approximately right?"

Senator McDermott: "Yes."

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I have discovered that the House has adjourned until Monday without passing House Bill 245 and I was looking for what happened to the emergency, you know, the one that started on Tuesday and then became Friday and now, I just wonder where it went."

Senator Hurley moved the following amendments by Senators Hurley, Hughes, Lysen and Bottiger to the amendment by Senator Scott be considered and adopted simultaneously noting that the amendment to page 18 is sponsored only by Senators Hurley and Hughes.

On page 17, line 5, delete "19,430,000" and insert "19,122,000"

On page 17, line 16, delete "80,375,000" and insert "80,067,000"

On page 18, following line 1, add a new subsection as follows:

"(4) No state funds shall be utilized in vendor payments for abortion from the period March 1, 1981 through June 30, 1981."

PARLIAMENTARY INQUIRY

Senator Pullen: "I see three Hurley amendments all dealing with the same subject. Are all three of them being treated as one? I believe that the President said 'two Hurley amendments' would be treated as one."

REPLY BY THE PRESIDENT

President Cherberg: "There are actually three amendments, Senator Pullen."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

PERSONAL PRIVILEGE

Senator Hurley: "I did vote against the children and the food and the support, and things like this for those who are supposed to be raising their children, and they are employable. They are absolutely employable, and I know many people who are

working night and day, maybe for a couple of jobs, that are raising their children because they do not want to be on welfare.

"I think this is an honorable position and if they are employable, why don't they go out and rake yards? Why don't they go out and mow lawns? Why don't they go out and do some of the things that some of us who live alone and cannot get that work done, would very much like to have done in our homes.

"And that is the reason I voted for the money for those people who are employable. I also voted against the mentally ill increases. They are destroying the mentally ill program. In Spokane they are sending those people out into apartments, into vague places where the parents do not even know where they are, cannot find them; if a parent would die they would say, 'What on earth is going to happen to my child because it is no longer institutionalized'; the state is no longer in charge and I have a hunch what they are trying to do is provide a model program that can be looked at, but you do not dare look behind the scenes at it, because they are losing these people on the streets and they are not taking care of them.

"If they are going to continue a program like that, you bet I am against it. And I urge you again, please vote for my amendment."

Senators Bottiger, Fleming and Goltz demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Hurley, Hughes, Lysen and Bottiger to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 16; nays, 33.

Voting yea: Senators Bauer, Bottiger, Conner, Craswell, Deccio, Hughes, Hurley, Lysen, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar—16.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—33.

Senator Charnley moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 17, line 20, following "funds" strike "may" and reinsert "shall"

On page 17, line 21, reinsert "solely"

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Charnley to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Fleming moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 17, line 22, strike "~~shall may~~" and insert "shall"

On page 17, line 23, reinsert "solely"

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Fleming to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Hughes moved adoption of the following amendment to the amendment by Senator Scott:

On page 20, following line 13, add a new section as follows:

"Sec. ____, Section 88, Chapter 270, Laws of 1979 1st Ex. Sess. (uncodified) is amended as follows:

"NEW SECTION. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$ ((3,777,000))
	<u>3,558,000</u>
General Fund Appropriation—Federal	\$ 213,000
Motor Vehicle Fund Appropriation	\$ 380,000
Total Appropriation	\$ ((4,370,000))
	<u>4,051,000</u>

No funds contained in this appropriation shall be expended for the promotion of tourism and industrial development from the period March 1, 1981 through June 30, 1981."

Renumber the remaining sections consecutively.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hughes to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—26.

Senator Fleming moved adoption of the following amendment to the amendment by Senator Scott:

On page 20, line 23, strike "The department shall provide this report within existing revenues." and insert "There is hereby appropriated \$200,000 to carry out this study."

Debate ensued.

POINT OF ORDER

Senator Fleming: "Is the Senator speaking to the amendment?"

Senator Metcalf: "I certainly am, Senator Fleming."

RULING BY THE PRESIDENT

President Cherberg: "Please confine your remarks to the amendment, Senator Metcalf."

Further debate ensued.

POINT OF INFORMATION

Senator Jones: "Is Senator Shinpoch speaking to the amendment?"

Senator Shinpoch: "Mr. President, if Senator Metcalf was speaking to the amendment, then I certainly am."

RULING BY THE PRESIDENT

President Cherberg: "Please confine your remarks to the amendment, Senator." Further debate ensued.

PERSONAL PRIVILEGE

Senator Moore: "You probably have heard me speak more tonight than in the two years previously. I had not planned to speak again, but when I speak I want everybody to know that I am not kidding and that I mean it. I may be wrong, I may be right, but I mean it. And I take a very, very dim view of Senator Metcalf tonight, in impugning my motives; and I really do not like it at all and I would have to quote 'No Senator shall impeach the motives of any other member.'"

The motion by Senator Fleming failed and the amendment to the amendment was not adopted on a rising vote.

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Scott:

On page 20, lines 14 through 35, strike new sections 28 and 29.

Debate ensued.

The motion by Senator Talmadge failed and the amendment to the amendment was not adopted.

Senator Gaspard moved the following amendments to the amendment by Senator Scott be considered and adopted simultaneously:

On page 21, line 10, strike "19,956,000" and insert "16,160,660"

On page 21, line 13, strike "2,096,399,000" and insert "2,092,603,660"

On page 27, after line 7, insert "Common School Construction Fund appropriation \$3,795,340"

On page 27, line 8, strike "3,784,000" and insert "7,579,340"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Gaspard to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Wojahn moved adoption of the following amendments by Senators Wojahn and McDermott to the amendment by Senator Scott be considered and adopted simultaneously:

On page 27, strike all of line 7 and insert:

"General Fund—State Timber Tax Reserve

Account Appropriation \$ 1,385,337

Total Appropriation \$ 5,169,337"

On page 27, after line 16, insert:

"(4) Not more than \$1,385,337 shall be expended for state authorized compensation improvements for vocational-technical institutes."

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Wojahn and McDermott to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Hansen moved adoption of the following amendment to the amendment by Senator Scott:

On page 29, following line 25, add a new section as follows:

"NEW SECTION. Sec. . . . FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State \$ 70,000

The appropriation contained in this section shall be used for brucellosis inoculation."

Renumber the remaining sections consecutively.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hansen to the amendment by Senator Scott.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTION

At 8:40 p.m., on motion of Senator Clarke, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 9:05 p.m.

The President declared the question before the Senate to be the amendment by Senator Scott.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Scott to Engrossed Substitute House Bill No. 206.

ROLL CALL

The Secretary called the roll and the amendment by Senator Scott was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, the Senate moved to reconsider the vote by which the title amendment was adopted on February 9, 1981.

On motion of Senator Scott, the title amendment to Engrossed Substitute House Bill No. 206, as amended by the Senate, was not adopted on reconsideration.

MOTION

Senator Scott moved the rules be suspended, Engrossed Substitute House Bill No. 206, as amended by the Senate, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

PERSONAL PRIVILEGE

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate.

"We tried to force consideration of a budget a week ago Wednesday and we were not able to do that. You would not cooperate with us to put the amendments up at that time.

"At this point it seems to me that it is"

POINT OF INFORMATION

Senator Ridder: "Is this a point of personal privilege?"

Senator Hayner: "Yes."

POINT OF ORDER

Senator Bottiger: "If she is speaking on a point of personal privilege it is how it affects her individually; what she is doing is abusing the rule to make a speech on the motion."

(No Ruling By The President)

The President declared the question before the Senate to be the motion by Senator Scott that the rules be suspended, Engrossed Substitute House Bill No. 206, as amended by the Senate, be advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Scott failed by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The motion by Senator Scott failing to receive a two-thirds majority to suspend the rules was declared lost.

Engrossed Substitute House Bill No. 206, as amended by the Senate, was passed to third reading.

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President, in the course of the effort tonight on the budget, I offered an amendment that related to what I believed to be two sections that involved substantive law; pointed out that the amendment did not contain a severability clause and yet in our rush to some kind of decision tonight, there was no effort on the part of the new majority to consider any of the amendments by the minority.

"I would only point out, Mr. President"

PARLIAMENTARY INQUIRY

Senator Hayner: "Is this personal privilege?"

REPLY BY THE PRESIDENT

President Cherberg: "The President has not determined as yet whether it is or not, Senator Hayner.

"The President would like to read Rule 33. 'Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but he/she shall not discuss any pending question in such explanations, . . .' I think the rest of the rule is not especially pertinent; so therefore if any Senator does not discuss a question pending before the Senate, in the opinion of the President, he has great latitude."

PARLIAMENTARY INQUIRY

Senator Hayner: "Mr. President, this is a bill on third reading."

REPLY BY THE PRESIDENT

President Cherberg: "The bill has been passed to the Senate rules committee, Senator Hayner. 'Pass to third reading' means that the bill is referred to the Senate rules committee. It needs a two-thirds vote to advance the measure."

PARLIAMENTARY INQUIRY

Senator Jones: "When a bill is passed into rules, it is still not in the hands of the Senate, then?"

REPLY BY THE PRESIDENT

President Cherberg: "No, it is in the hands of the rules committee."

Senator Jones: "Is that not a body of the Senate?"

President Cherberg: "Yes."

Senator Jones: "Then I would consider it is in the hands of the Senate."

MOTION

At 9:19 p.m., Senator Hayner moved the Senate adjourn.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, in the press conferences today, and this has been a rather unusual, historic event, but in the press conferences today, one of the comments made, several of them, was that everything would be orderly and nothing would be done outlandish, nobody would be dismissed from his office. Well, that has not transpired.

"Senator Peterson has been ordered to be out of his office by 9:30 this morning, tomorrow morning so that Senator von Reichbauer may have the office."

PERSONAL PRIVILEGE

Senator Williams: "Mr. President and members of this body.

"Today an event has occurred which I feel has impacted me very personally. I think it is a very significant event. It has impacted me personally as a Senator; it has impacted me personally in my relationship with people that work with me; and it has impacted me personally as a citizen of the state of Washington."

REMARKS BY THE PRESIDENT

President Cherberg: "For what purpose does Senator Clarke rise?"

PARLIAMENTARY INQUIRY

Senator Clarke: "Motion to adjournment, does not that take precedence over any other matter that may be presented before the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, it does, Senator."

Senator Clarke: "Is not that motion now pending?"

President Cherberg: "Yes it is, Senator."

Senator Clarke: "I respectfully request that it be acted upon."

President Cherberg: "Senator Clarke's remarks are well taken, Senator Williams."

At 9:21 p.m., the motion by Senator Hayner carried and the Senate adjourned until 10:00 a.m., Monday, February 16, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 16, 1981.

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

The Color Guard, consisting of Pages Janice Bultmann and Jill Melgard, presented the Colors. Reverend Ray Morrison, pastor of First Church of the Nazarene of Olympia, offered the prayer.

MOTIONS

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

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

Senator Clarke moved the Senate do now consider a change in Senate Rule 50.

POINT OF ORDER

Senator Bottiger: "Mr. President, the Senate rules require that at least twenty-four hours notice be given of an amendment to the Senate rules. No such notice had been given."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, it is my understanding that the proposed change has been on the desk for considerably more than that period of time."

MOTION

At 10:10 a.m., on motion of Senator Clarke, the Senate recessed until 11:02 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:02 a.m.

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken and that the Senate is presently on the eighth order of business, presentation of petitions, memorials, resolutions and motions.

"Senator Bottiger raised the point that proper notice of the rule change had not been given. The President will read that portion of Rule 35 which applies.

"No standing rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion thereof . . ."

"The President believes that inasmuch as notice was given to the Secretary of the Senate, the Secretary of the Senate printed copies for each member and placed them on the desk of each individual Senator. The Senate was in session.

"Therefore the President believes that that does constitute one day's notice."

MOTION

Senator Clarke moved adoption of the following resolution:

SENATE RESOLUTION 1981-15

By Senators Hayner and Jones:

BE IT RESOLVED, That the permanent Senate Rules be amended as follows:

Rule 50. Any standing committee of the Senate may be relieved of further consideration of any bill by a (~~two-thirds~~) majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, extending this period of time for the introduction of bills is liable to create a flood of new bills and I think that every subject possible has been covered.

"Now I think as far as pride of authorship, it does not make any difference on who is on the bills. Do you have an idea of any new legislation or are you just, want to take all the bills back and strike the Democrats' names off and put the Republicans' on?"

Senator Clarke: "It is customary and the committee chairmen, the Democratic committee chairmen, have put in a whole lot of title only bills under their own names. Now frankly, it has been our feeling that perhaps some of those chairman who put it in would not be particularly happy with the changes that might be made in those bills under their prime sponsorship; and traditionally, the chairman of various committees have always had their own title only bills which were under their names which they could then use for more or less emergent matters that had not been considered prior to the time that they wanted to introduce a bill.

"It is a customary procedure and would merely, I think, facilitate the situation that we have here."

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Would Senator Clarke yield to a question?"

Senator Shinpoch: "Would Senator Hayner yield?"

President Cherberg: "Senator Hayner declines. Senator Shinpoch."

Senator Shinpoch: "Well, if you are worried about it, all I was really going to ask you was that, during this time would the former chairpersons of the committee be allowed to withdraw their title only, so you won't be running revenue measures and things of that nature on their prime-sponsored bills.

"If it would not be too much trouble, you might respond to that, anyway."

Further debate ensued.

Senator Talmadge: "Would Senator Hayner yield to a question?"

President Cherberg: "Senator Hayner declines."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Guess: "I wondered what order of business that the Senator was speaking under?"

Senator Talmadge: "Senator, I am speaking to adoption of senate floor resolution 1981-19 (sic)."

Senator Guess: "I would suggest you confine your remarks to the resolution, then."

Senator Talmadge: "Mr. President and members of the Senate.

"As I indicated, I intend to oppose senate floor resolution 1981-19 (sic), in particular because we have not seen a cutoff resolution from the House of Representatives to parallel the cutoff resolution that was adopted in the Senate. Perhaps one of the members of the Republican leadership could address the issue whether or not their colleagues in the House intend now, after all the wrangling for the last thirty-five days, to finally adopt a cutoff resolution."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "You have vastly more experience than I do, Mr. President, . . . than anyone on this floor, would it be possible for all of we Democratic sponsors, by motion, to withdraw our names from those bills that are of concern to the Republicans so that we may save the taxpayers some money, and institute then, the Republican names that they desire?"

"I personally have no concern because our committee has always been very cooperative and it does not make any difference who is the sponsor; but I would like to do that, if possible, and I address that to the chair for your opinion."

Senator Clarke: "I submit that the question is not relevant to the matter presently before the Senate and is therefore out of order."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking to the point of order as raised by Senator Clarke, we have before us a change in the rules which would indicate we are going to extend the time of introduction of bills for ten days more, making it forty-six days; as Senator Clarke has indicated, the whole purpose of this rule change is so that the Republicans may get their name on the bills as the Republican chairmen. And I was offering to expedite that so that we could save the taxpayers some money, Senator Clarke. It was your idea, I did not know why you wanted to extend the rules but it was your idea that the new chairmen would have their name on the bill."

Senators Hayner, Guess and Quigg demanded the previous question and the demand was sustained.

REPLY BY THE PRESIDENT

President Cherberg: "Before putting the main question, the President should like to reply that inasmuch as senate floor resolution deals with the introduction of bills, that Senator Rasmussen's remarks were relevant, Senator Clarke."

The motion by Senator Clarke carried and the resolution was adopted.

MOTION

On motion of Senator Clarke, the following resolution was adopted:

SENATE RESOLUTION 1981-19

By Senators Hayner and Jones:

BE IT RESOLVED, That the permanent Senate Rules be amended as follows:

"Rule 61. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: PROVIDED, HOWEVER, That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint

memorial is to be introduced: PROVIDED FURTHER, That all bills to be considered by the senate during a sixty day regular session shall be on the request list of the code reviser by 3:00 p.m. on the twenty-ninth day, or on the ((thirtieth)) fortieth day during a one hundred five day regular session, and shall be read in under the proper order of business no later than the thirty-third legislative day of a sixty day regular session, or on the ((thirty)) forty-sixth day of a one hundred five day regular session.

After the expiration of deadlines for bill introductions provided in this rule, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: PROVIDED, That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills."

**NOTICE GIVEN BY SENATOR CLARKE
SENATE RESOLUTION 1981-17**

Senator Clarke served notice that Senate Resolution 1981-17 will be brought up later.

MOTION

At 11:15 a.m., on motion of Senator Clarke, the Senate recessed until 11:35 a.m.

THIRD MORNING SESSION

The President called the Senate to order at 11:35 a.m.

MOTION

Senator Clarke moved the Committee on Rules be relieved of Engrossed Substitute House Bill No. 206 and placed on the third reading calendar for today.

Senator Clarke demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Vognild—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206 was placed on the third reading calendar for today.

MOTION

Senator Clarke moved the Senate return to the seventh order of business for third reading of Engrossed Substitute House Bill No. 206.

Debate ensued.

Senators Bluechel, Hayner and Guess demanded the previous question.

Senator Bottiger demanded a roll call and the demand was sustained.

POINT OF INFORMATION

Senator Goltz: "Is another motion in order to move the bill back to second reading?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the previous question raised by Senator Bluechel should be acted upon first, Senator."

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Vognild—1.

MOTION

Senator Goltz: "I would like to make a motion to move Engrossed Substitute House Bill No. 206 back to second reading for purposes of amendment."

REMARKS BY SENATOR CLARKE

Senator Clarke: "The previous question has been ordered and under the previous question the Senate must act upon the matter presently before it."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken, Senator Goltz."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Is it possible for me to spread Governor Spellman's remarks on this budget in the journal as part of my remarks on the way that I am going to vote?"

POINT OF ORDER

Senator Clarke: "Under Rule 36, when the previous question is put and sustained, and the only action that may be taken is affirmative action upon the matter before the body; and parliamentary inquiry is not in order and I think that the remarks that Senator Rasmussen may make, are covered by the rules and should be taken up by him at some appropriate time."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Clarke, your remarks are well taken, but the President has always given a person the opportunity to ask a question; and the President therefore, at least in this particular instance, would like to reply to Senator Rasmussen.

"The President will answer your question later, Senator.

"The question before the Senate is the final passage . . ."

Senator Rasmussen: "Mr. President . . ."

President Cherberg: "Senator, Rule 36 does require the President to put the main question immediately and that forecloses any further debate or question."

Senator Rasmussen: "I was going to ask the President about Rule 34, that he 'may protest against' any Senate action."

President Cherberg: "You will be given an opportunity . . ."

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 206, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 206, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Vognild—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, 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 Clarke, Engrossed Substitute House Bill No. 206, as amended by the Senate, was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President and members of the Senate.

"I had intended to speak on the issue before us as a matter of debate on a bill as we have traditionally done in this Senate for the two years plus that I have been here. But today's activities have given me serious pause about how the new Republican majority can handle business here on the floor.

"Traditionally we have allowed free and open debate and that is part and parcel of the responsibility and activity of the minority. But if we are going to be clotured every time we stand up to debate, if we are going to be closed down by calls for the previous question before debate has failed to end of its own accord on the floor of the Senate, then I think we have a very, very serious situation confronting us.

"We saw some of it Friday night, we are seeing more of it today, and I certainly hope that this is not going to be the way we do business here in the Senate where we have traditionally accorded the minority and the majority the opportunity

to speak freely and as long as they cared to on any issue, given the responsibility that all of us have as elected officials.

"Now I had intended to offer and to point out to the body that there are some very serious questions about the budget and I will not speak to those today.

"At this point I imagine there will be a call for the previous question or a point or order raised by one of the Republican leaders; but all I can say is this budget and those precedures are shameful. Shame, shame, shame."

REMARKS BY THE PRESIDENT

President Cherberg: "If there is any further demonstration, the only reason someone is permitted to stay in the chamber is because the President cannot identify the person who applauded. If there are any further demonstrations and the President can identify such person, they will be removed from the Senate chamber.

"The President expects an apology, or the Senate should expect an apology from some member of the press.

"Senator Hayner."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, this is the thirty-sixth day of our legislative session. On the twenty-fourth day this budget came over and we tried, as the then minority, to catch it on the fly and deal with it as soon as we could because we know that is an urgent matter."

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, on what basis does Senator Hayner speak?"

Senator Hayner: "I am responding to Senator Talmadge's remarks."

Senator McDermott: "Is this on a point of personal privilege?"

Senator Hayner: "Yes."

Senator McDermott: "You did not ask the President."

Senator Hayner: "I now ask him."

REMARKS BY THE PRESIDENT

President Cherberg: "The President wishes to clarify a point at this time. Senator Talmadge, in a sense, was not speaking on a point of personal privilege, but rather one of protest, at least that is the opinion of the President. And therefore the President believes that Senator Hayner is entitled to respond. Senator Hayner."

REMARKS BY SENATOR HAYNER

Senator Hayner: "There have been twelve days passed since that time and the office of financial management has been trying to make a decision on whether to send out the notices; how to let people know who is going to be cut off; whether the \$236 million dollars is going to be available.

"I think it is high time that we pass this budget. If anyone thinks that this is the last supplemental budget that is ever passed, I can remember very well a previous session when I was in the House of Representatives, when we had not one supplemental budget, not two, not three, not four—we had five supplemental budgets.

"So those of you who are so concerned about specific items, if you can justify them, I think there is a possibility that we will look at another supplemental budget before we get to the final document of our biennial budget.

"But the point is that we need to have a baseline. We need to know how much this supplemental budget is going to be before we can begin working on our biennial budget. And it is our goal to finish this session in one hundred and five days, which is what the people told us to do."

POINT OF INQUIRY

Senator Ridder: "How can we tell if we are to have numerous supplemental budgets to follow? How can we be assured that this one is going to give us any indication? And if, indeed, we are going to be gagged as we have been today on any points of debate, it seems to me to be fruitless to talk about what the minority responsibility is.

"The courtesies have been extended by this majority to your minority, have far exceeded to those extended to us thus far."

MOTION

At 12:03 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 16, 1981.

Mr. President: The House has passed:

HOUSE BILL NO. 99,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 245, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE HOUSE

February 13, 1981.

Mr. President: The House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 209, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Scott moved the Senate do recede from its amendments to Engrossed Second Substitute House Bill No. 209.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, is this going to be, you are transferring money now out of these various checking accounts, credit cards; is this going to be

enough money? I am looking at a Spellman quote; Spellman has let the legislators know what he thinks of the cut; and he will continue to do so, he says.

"He indicated he will lobby by going to the public if some changes aren't made; and he says 'I do not see any intransigencies at this point' he said, describing the attitude of the legislators. 'I could be proven wrong,' he said, 'and if so I will let you know.' Now he is indicating that the budget bill that we passed, and that is what he was talking about, was not going to be enough and he was going to go and lobby to the public, which he evidently must be doing right now because the bill is law; will be as soon as it hits his desk unless he vetoes it.

"But my question is, if he lobbies you, is this enough money that you are transferring from these various funds to make up this shortfall in the chore services and the rest of the services that were cut by the budget bill that we just passed, 206?"

Senator Scott: "Senator, delighted that you asked the question.

"There is \$186 million dollars of general fund money here which will leave us with a \$200,000 balance if nothing adverse happens between now and the first of July.

"In 206 you also transferred \$540,000 from the GA facilities and services revolving fund; and \$14,000 from the highway safety fund. Then this bill transfers the four accounts that I enumerated earlier: the timber tax reserve, the common school construction fund, the resource management DNR's reserve account, and the criminal justice training account which is a revolving account. And the answer is that it comes out to \$236,613,000 which is exactly what we appropriated in 206."

Senator Rasmussen: "Well, thank you Senator Scott. One further question. As I understand House Bill 206, we made some changes so department of social and health can within the department; but can the department of social and health shift that \$300,000 that is in there, to buy computer services from that California firm? And can they also shift the murals off the wall that the \$200,000 is in there for? It just kind of hurts me that we are going to put murals on the wall and buy computer services, and cut people off of chore services. I think that Governor Spellman is going to be lobbying against that."

Senator Scott: "Well, Senator, the reason that we are involved in these exchanges of funds and putting them in the general fund, is because those present who were formerly in the minority, refused, last spring, to create a \$270 million dollar reserve fund which would not have put us, kept us from being in the predicament that we are in now.

"There is a great difference, I would point out, between credit card spending and drawing from different accounts that you have available to you.

"So if you are distressed by the need to do this, I am too, but you know the reason better than I."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Does that constitute a concession, Senator Rasmussen, that everything that Governor Spellman asks for, that you would go along with and approve?"

Senator Rasmussen: "I will yield to that question.

"Yes, he has shown unusually good, common sense in one respect in which he said he does not like cutting off the chore services and the rest of the service to the needy. But I am sure that he does not want any waste funds, and you have wrapped that in with that \$300,000 computer contract; \$200,000 for painting on the walls.

"So, yes I will support the Governor when he is with the people, and he is with the people this time. But the new majority is not with the people."

PARLIAMENTARY INQUIRY

Senator Shinpoch: "If the body was to move to recede from the Senate amendment to Substitute House Bill 209, would we then have Engrossed Second Substitute House Bill 209 in front of us, and would it be available for amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "In reply to your inquiry, Senator Shinpoch, if the Senate were to recede from its amendment to Second Substitute House Bill No. 209, the measure then would be on final passage. It would be necessary to return the bill to second reading for the purpose of an amendment."

Further debate ensued.

The motion by Senator Scott carried. The Senate receded from its amendments to Engrossed Second Substitute House Bill No. 209 on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 209 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 209, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 209, 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 Clarke, Engrossed Second Substitute House Bill No. 209 was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Williams: "Yes, Mr. President. I tried to do this on Friday and had tried to do this also earlier today, and each time circumstances were such that I was not able to; and I would simply ask that if people on that side of the aisle have any objection to my speaking on what I consider a personal privilege, I would like to do so.

"What I wanted to do is comment on the events of last Friday. I indicated that those events that affected me very much personally in several ways, as a Senator, but also as a citizen and I wanted to comment on that because I have a feeling that there has been an attempt to treat, at least on the floor, the events that happened last Friday in a rather commonplace manner. And I think those were very significant events, in fact, very unique to the state of Washington; in fact, they have not happened, perhaps the only comparable instance was once over in the House back in the early '60s.

"However, my comments are my own comments on this, but I think the events that occurred, there is a tendency to look at this event as a single-person action; and I would like to talk about that a little bit because I think, first of all, our political system is based on laws, first of all; secondly, it is based on institutional and cultural patterns; and thirdly it is based, to a certain extent, on personal or peer group relationships.

"In this particular instance, we have seen a person who has gone beyond the normal bounds of behavior; stepped outside of what I think are the reasonable practices and the normal bounds of action in this legislature and in this state. That is a circumstance, however, that, when an individual takes an action like that, that we really cannot control; it is an individual action.

"However, the thing that does concern me when a person takes an action of that sort, is to find that a group of people, in fact a group of people representing a party, have chosen to accept that action, to promote it, and in fact, then, to be parties to an action which is beyond the bounds of reasonable and justifiable and, what I think, are the proper actions in this state.

"In essence, a political party represented by you people over there on that side of the aisle, have chosen to go outside the bounds of regular actions for one reason only—for political power; for political power to control the destiny of this state, perhaps for the next decade, and you have done so without earning it at the polls. Since you could not win it in last November's election . . ."

President Cherberg: "For what purpose do you rise, Senator Hayner?"

Senator Hayner: "I question whether or not Senator Williams is staying within the point of personal privilege."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Hayner, the President has listened very carefully to what Senator Williams has said, and to this point has not heard Senator Williams discuss a question pending before the Senate. The President believes that Senator Williams is well within his prerogative to discuss a personal matter. Senator Williams."

Senator Williams: "Thank you, Mr. President.

"I only have a couple of comments left to make; but I do want to reemphasize the last comments that I made, and that is that the body of people that calls themselves 'Republicans' in this Senate, are now in power not because they won it at the election, in the election last November. And I have offense that because they did not win it then, they have been looking for every way possible to come to power, and have finally found it. I think that was a step that was taken outside the bounds of what we consider a democratic system; and I would ask you also to consider, in taking that action, to me that is one of the greatest measures of the character of the party that you represent.

"And what I am wondering now is, what is the next step?"

MOTIONS

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

On motion of Senator Clarke, the Senate read in the following House bills:

FIRST READING OF HOUSE BILL

HOUSE BILL NO. 99, by Representatives Smith, Flanagan, Nisbet, Dickie, Barr, Sanders, Isaacson, Fancher, Clayton and Hastings:

Modifying provisions relating to water rights reverted to the state.

MOTION

On motion of Senator Clarke, House Bill No. 99 was referred to the Committee on Agriculture.

FIRST READING OF HOUSE BILL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 245, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):
Modifying public assistance laws.

MOTION

Senator Clarke moved that Engrossed Substitute House Bill No. 245 be referred to the Committee of the Whole Senate.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Did Senator Clarke move to suspend the rules?"

Senator Clarke: "Senate Rule 66 provides for that procedure, Senator. It does not need a suspension. Rule 66."

The motion by Senator Clarke carried. Engrossed Substitute House Bill No. 245 was referred to the Committee of the Whole Senate.

Senator Clarke moved that the Senate resolve itself into a Committee of the Whole.

POINT OF INQUIRY

Senator Bottiger: "Senator, the bill was just placed on our desk, it just came over from the House. Is it your intent to run this without our having an opportunity to caucus on it or prepare any amendments, or anything of that nature?"

Senator Clarke: "If you would desire recess for caucus, I would be glad to so move. For how long about, Senator?"

MOTION

At 2:15 p.m., on motion of Senator Clarke, the Senate recessed to 2:45.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:45 p.m.

There being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 3:15 p.m.

Senator Clarke previously had moved that the Senate resolve itself into a Committee of the Whole.

POINT OF ORDER

Senator Rasmussen: "Rule 67, 'Every bill shall be read on three separate days . . .' and I believe that is a constitutional requirement, Mr. President. And the other rule [Rule 35] I quote is 'No standing . . . order of the senate shall be rescinded or changed without a majority vote . . . and one day's notice . . .' so I do not know if we are changing the rules or not, but it would seem that we are not following the constitutional provisions of three separate days. The bill just arrived in the Senate from the House and has now been referred to the committee of the whole, but that does not constitute a separate day. That is Rule 67, Mr. President."

REMARKS BY SENATOR CLARKE

Senator Clarke: "We are aware of the three-day rule, Senator, but we thought it would expedite matters if we could work the bill today as a committee of the whole, and I understood that the request for a delay was so that your caucus could prepare whatever amendments you had, that you desired; and we granted that delay and we are now anxious to get to work on the bill and cannot see any particular reason for further delay."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Well, I might remind Senator Clarke that we tried to abide by the rules and the constitution, and not trample on the people's rights just because you happen to get into the majority by an unforeseen move.

"And I am only quoting the same rules that you agreed to that we should abide by the rules."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Senator, we have no quarrel with abiding by the rules, nor with the concept that it is required that they be read on three separate days; and as a matter of fact, if you want to enforce the separate-day rules, is it your suggestion that we do nothing on the bill at all then, until tomorrow? And then we have a second reading on tomorrow, and then wait another day for a third reading?"

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "My suggestion would have been, if you had asked me, which you did not, would have been that we follow usual procedure, refer the bill to committee and then have it referred back to the committee, go to the rules, and then back on the floor. But you are apparently not wanting to do that; if you had asked me, I would have only suggested that to you."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Senator, I refer you again to Rule 66 which says that the first preference on referring a bill is to the committee of the whole senate. And we have abided by that rule and the bill is now before the committee of the whole Senate. It has been so referred and we would like to have the committee of the whole Senate proceed to work on it.

"I understand that you are now contending that the committee may not so work on it; Mr. President, I would urge a ruling that the Senate may proceed to work on it, which does not in any way violate the three-day concept."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I only, Mr. President, raise the point of order that that is one of the reasons for the constitutional provision that the bill shall be read on three separate days, is that the people have some knowledge of legislation that is being proposed. And the bill is read in and then referred to the committee; the public generally would have a chance to appear before the committee and give testimony pro and con. And then on the third day the public, of course, would be excluded, but then the Senate would have action on it.

"It would seem we are proceeding in undue haste, the public has not even had a chance to appear before a committee. That is why the protection was written into the constitution; we are not legislating here just for ourselves, we are legislating and the public is supposed to have the opportunity to appear.

"That is why I asked you to rule on the point of order, Mr. President."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Senator McDermott has stated on the floor of this Senate several times in the last few days, that the very most important bill that we can pass is 245, and he has had hearings on that, Senator Rasmussen. Even though that bill was not before us, he has had hearings on that particular material; and so it is not new material, it is nothing more nor less than the implementation of 206 which we just passed. It places in the hands of the office of financial management the information on where they are to cut back, which programs are in line with 206.

"This is not unique. Now if you want to work the bill in the whole Senate and amend it, we will take that tack, but if you want to delay it further it means that the people out there will not know another day what is going to happen and that \$236 million dollars in this supplemental budget will not be there for them."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, to correct what Senator Hayner has said, we never heard this bill. The House was unable to get this bill out until today; the Senate never considers a bill until the House passes it.

"I would point out something to you which may be of some interest to people on your side, it certainly is to people on this side. We are all interested in having McNeil Island used as a penitentiary. This bill, if you look at the title page, is an act relating to social and health services and is all directly related to chapter 74; except for section 22 which says 'The department of social and health services is authorized to operate McNeil Island as a prison and correctional center for the care and custody of felons.'

"Now, all the legislation related to penitentiaries is in chapter 72.

"This bill has no severability clause and if I were one of the residents of Steilacoom, Washington that does not want McNeil Island used as a penitentiary and I had a bill passed here that had two subjects within it, public assistance and correctional institutions, I would immediately go to court and tie up the use of McNeil Island in a lawsuit so that it cannot be used because you passed it in a bill with two subjects. The constitution is clear on that point and you have before you a bill that deals with two subjects.

"Now I think that it is reasonable to take such a bill to committee, to hear it, and to make a reasonable decision.

"There is no emergency; there has never been an emergency. It was a manufactured emergency and there is no reason to ram this kind of legislation down the people's throat without a thorough airing of the plusses and minuses.

"I think that the democratic process is very badly served when you try to ram things through this way."

POINT OF INQUIRY

Senator Fleming: "Senator Clarke is on his feet; I am wondering whether they have had a change of heart over there. I would like to ask him a question. Will you yield, Senator Clarke?"

"You made a statement a few minutes ago about delaying and I am just wondering, is this another new posture of the Republican side of the aisle, that whenever there is a caucus, that is to be considered as delaying tactics? I thought it was normally common courtesy, and you refer to us having a caucus delaying this issue that much longer."

REPLY BY SENATOR CLARKE

Senator Clarke: "I do not recall ever having made such a statement that the caucus was called for the purpose of delaying. You asked for a caucus for the purpose of considering this bill and possible amendments; and my response was we would be very glad to accommodate you and allow you to have that caucus."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President. Just a few minutes ago when you were talking to Senator Rasmussen, you spoke of not wanting to delay this, and you also indicated at that point in time, we have already delayed this a while for us to have a caucus, a few minutes ago, about three or four minutes ago. And so I just wanted to clarify that, because I knew in the past it has been afforded to each of us, you know, and it sounded like in the future there was going to be a delay."

REPLY BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. May I speak further?"

"My point, in reality, is that the bill has now been referred to the Senate as a committee of the whole which under Rule 66 can function exactly the same as the ways and means committee or any other committee to which the bill may have been referred. That is the purport of Rule 66.

"So if now you are taking a position that you wish an additional day as the Senate acting as the committee of the whole to consider and propose amendments to this bill, I do not think we would be inclined to have any objections.

"My only point is that we do think that it is important to get this supplemental budget and accompanying bill taken care of as soon as reasonably possible.

"Now I would like some response from the other side in that the bill is now before the committee of the whole and we will work it as a committee of the whole if—; there is no necessity to refer it to any other committee, nor do the rules so provide.

"So if you wish to hold this until tomorrow, the idea that it would be worked tomorrow, that this would be regarded today as the first reading and that it be then considered tomorrow by this Senate sitting as a committee of the whole for second reading, kindly so state. I am not exactly sure what your position or proposal is."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I wish to correct a statement that Senator Clarke has just made.

"Senator Clarke said that by referring the bill to a committee of the whole, that we are getting the same consideration that any other bill would get. And I would like to point out for Senator Clarke that he has completely forgotten the people.

"This legislation, this house bill arrived this morning. That is the first day. It was not referred to a regular committee so the public will have no chance to appear before this committee of the whole to testify.

"The bill vitally affects thousands of people in the state of Washington, Senator Clarke.

"In all other bills of major importance such as this, you heard Senator McDermott say it was never heard in the ways and means committee; it couldn't have been because we just got it from the House this morning.

"So what you are arguing is you are cutting the public off from a chance to appear before any committee. You are also violating the constitution which says the

bill will be read on three separate days, so that the people may have the opportunity of knowing what is in the legislation. That is the sole purpose of it.

"So, yes, I do disagree with you and I am not delaying anything at all by quoting the rule because you yourself voted for that rule; you want the public to know, I am sure, what is in this legislation which cuts many people off of aid to the disabled and so forth. They should have their opportunity and that is all I am fighting for is for the people to have a chance to hear the bill.

"And I would hope that you would change your motion of a committee of the whole and send it to the regular committee so that it may be heard and the public testify.

"Mr. President, my point of order, I still stand by it."

RULING BY THE PRESIDENT

President Cherberg: "Did you wish to talk on the point of order, Senator Ridder? Otherwise the President will rule on . . ."

Senator Ridder: "We should move to a committee of the whole? Is that our point of order?"

President Cherberg: "The President in ruling upon the point of order proposed by Senator Rasmussen, believes that the remarks of Senator Rasmussen in regard to reading of a bill on three separate days, his remarks are well taken. However, Rule 66 does give the Senate the opportunity to resolve itself into the committee of the whole Senate if it so desires."

POINT OF INFORMATION

Senator Ridder: "Would Senator Clarke yield?"

President Cherberg: "Senator Clarke does not yield."

Senator Ridder: "He hasn't decided yet, well, I would bring to the view of the body, it seems to me in actuality the reason we are talking about having this in the committee of the whole as it comes immediately to the Senate, is that you folks do not have your committees yet. And I would suspect that had you been discussing urgent changes within the Senate, even prior to last Friday, that you would have been better prepared with your committees ready to move so that we might move this into the ways and means committee as we have done in the past on fairly short notice, and wheel it out on fairly short notice.

"I would hold that you are then, indeed, delaying, as you are accusing this side of the aisle of doing."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, responding very briefly. We are prepared to appoint the committees right now and go forward with them. The reason that there is a delay in appointment of committees is because we are giving your side of the aisle the opportunity to designate where you want to put your people.

"Now, if you want, on the other side, that we act right now, on dissolving all existing committees and reconstituting them, we would be very happy to accommodate you, right now."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Clarke.

"No, I did ask for the courtesy of having until Tuesday noon to select the new committees and I appreciate the courtesy shown to give us that time. Now it may not be that everybody in our caucus was aware that I have asked for that.

"As I read Rule 58, Senator, you will bring the bill out of the committee of the whole; it is really a quick trip through there because there is no sense for us to offer any amendments in the committee of the whole since this is not an omnibus appropriation bill, and a two-thirds vote, the yeas and the nays and nothing else applies, so we will get back out on the committee of the whole and offer our amendments. You are short-circuiting the one committee."

The motion by Senator Clarke carried. The Senate resolved itself into a Committee of the Whole for the purpose of considering Engrossed Substitute House Bill No. 245.

COMMITTEE OF THE WHOLE

Committee of the Whole President Pro Tempore Guess in the Chair.

Engrossed Substitute House Bill No. 245 was considered in the Committee of the Whole and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Clarke, the report of the committee was adopted.

MOTION

At 3:40 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 3:45 p.m.

MOTION

Senator Clarke moved the rules be suspended and Engrossed Substitute House Bill No. 245 be placed on the second reading calendar for today.

POINT OF ORDER

Senator Rasmussen: "A motion to suspend the rules is not debatable."

Senator Clarke: "I believe that the rules say that a short explanation of the reason for asking for the suspension is in order and that is all I am asking Senator Hemstad to do."

Senator Rasmussen: "Mr. President, it says the maker of a motion may have a brief explanation, and Senator Clarke is the maker of the motion, not Senator Hemstad. I still maintain my point of order."

Senator Clarke: "I think that I have the right to yield; if not, I would withdraw the motion and let Senator Hemstad make the motion, Senator, if that is what you want to do."

"Mr. President, I withdraw the motion and yield to Senator Hemstad for the purpose of making the motion and explaining it."

RULING BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, your point of order is well taken; however, Senator Clarke's remarks are also well taken inasmuch as a brief explanation for the purpose of the motion can be made."

"This also permits you or any other Senator to rebut."

MOTION

Senator Hemstad moved that the rules be suspended, Engrossed Substitute House Bill No. 245 be placed on second reading calendar for today.

Senator McDermott rebutted the remarks by Senator Hemstad.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Hemstad that the rules be suspended and Engrossed Substitute House Bill No. 245 be placed on second reading calendar for today.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The motion by Senator Hemstad failed to receive the required two-thirds majority. The bill was passed to second reading.

STATEMENTS FOR THE JOURNAL
WASHINGTON STATE SENATE

February 20, 1981.

MR. SID SNYDER
SECRETARY OF THE SENATE
SENATE CHAMBERS
OLYMPIA, WA 98504

Dear Sid:

We submit, for publication in the Senate Journal, the attached statements. We do so because the actions of the Majority have not allowed free and open debate in the halls of the Senate Chamber.

Sincerely,

/s/SENATOR GEORGE FLEMING
CAUCUS CHAIRMAN

/s/SENATOR BRUCE WILSON
CAUCUS VICE CHAIRMAN

/s/SENATOR R. TED BOTTIGER
MINORITY LEADER

/s/SENATOR A. N. "BUD" SHINPOCH
ASSISTANT MINORITY LEADER

STATEMENTS FOR THE JOURNAL

Senator R. Ted Bottiger, Minority Leader, submits for the Senate Journal the following:

"Senate Republicans, in flexing their Majority muscles cut off legitimate debate in the public forum (known as the Washington State Senate). There are many points which concern Democrats, but the following article from the Seattle Times of 2-16-81 summarizes many:

"GOP PLANS WELFARE CUTS; VETO POSSIBLE

"Governor dismayed by budget of new Republican majority

by Peter Rinearson
Times Olympia Bureau

OLYMPIA—Republicans expect to ram welfare cuts and other budget changes through the Legislature today, knocking aside objections by power-stripped Democrats.

But the Republican power plan, made possible because they picked up another seat in the State Senate on Friday, may fizzle in the face of a possible veto by Gov. John Spellman.

On Friday, the GOP governor told Republican legislative leaders that he finds their planned welfare cuts personally unacceptable. Spellman finds the cuts excessive and 'fundamentally repugnant to him as a human being', Spellman's press secretary, Paul O'Connor, said last night.

Spellman 'runs quite a risk if he does (veto the budget)', Senate Majority Leader Jeannette Hayner, Walla Walla Republican, warned last night. 'It would be another delay. In the meantime, you'd have programs which would have to be terminated.'

Senator Shinpoch, submits for publication in the Senate Journal the following:

"Continued from Senator Bottiger's statement:

"Republicans in the Senate gained a one-vote majority Friday when Senator Peter von Reichbauer of Vashon Island announced he was becoming a Republican. The GOP holds a 56-to-42 majority in the House, so von Reichbauer's conversion effectively turned the state over to complete Republican control.

"The Republicans' first goal is to whip a \$236 million supplemental budget through both House and Senate, over the objections of Democrats who no longer have power to stop it. The supplemental budget, which is composed of two bills pertaining to spending and three pertaining to managing revenues, is to fund the state through the end of June, when a new two-year fiscal period begins.

"The budget reduces program levels in several areas, notably in welfare spending. For example, a program for short-term assistance to people who may be employable would be eliminated March 1.

"Republican legislative leaders expect to send the spending bills to Spellman late today. The revenue bills would follow as soon as possible.

Spellman last night said he'll make no decision on whether to veto the budget until all five bills reach his desk, O'Connor said. Spellman said he expects to receive the last of the five by tomorrow.

"Continued from Senator Shinpoch's statement:

The governor will have little time to ponder a veto. Notices of reductions in welfare payments must in in the mail to recipients by Wednesday to meet the requirements of law.

O'Connor said the notices are being stuffed in envelopes and run through a postage meter.

Spellman is "disappointed" in the deep cuts planned in social programs by Republican leaders, O'Connor said. Spellman last month proposed cuts from present levels, but not of the magnitude contemplated by the conservative GOP leaders of the Legislature.

"His (Spellman's) view of the levels he sent to the House was that they were the absolute minimum, that he had trimmed as much as he could morally trim", O'Connor said.

Increases the Republican legislators are approving in education funding, while cutting money from "the poorest of the poor", have Spellman dismayed, O'Connor said. "He's almost shocked that so much money will go to education—beyond emergent need, really", the press secretary said.

"Continued from Senator Wilson's statement:

The Republican rise to power in the Senate is causing temporary paralysis. All Senate committee meetings have been canceled, probably until Wednesday at the earliest, while Republicans line up their new committee chairmen and both parties reshuffle their committee members to reflect the new Republican majority.

Hayner said the Senate Republicans will waste no time shaping the Senate to their liking. "We're going to change the (operating) rules first thing in the morning", she said last night.

In the House, Minority Leader Dick King, Everett Democrat, will ask for rules changes, too. The "gag rules" imposed by Republicans on Democrats shouldn't be necessary any longer, because Republicans have unchallenged control of both chambers now, he said.

Some but not all of the rules Democrats dislike may be changed, said House Speaker Bill Polk, Mercer Island Republican.

"This concludes the submission of material begun by Senator Bottiger. Why the Majority party refuses to allow open discussion, on points such as mentioned in these four submissions, is unknown to the Minority. We feel as though the constituencies represented by all Democrats, and the 30th District because of the defection of the senator from that district, have also been gagged by the actions of the Majority."

MOTION

At 3:50 p.m., on motion of Senator Hayner, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 17, 1981.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gaspard, Talmadge, Vognild and Wilson. On motion of Senator Ridder, Senators Gaspard, Talmadge, Vognild and Wilson were excused.

The Color Guard, consisting of Pages Joann Siepp and Ray Moyer, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1981.

SENATE BILL NO. 3120, modifying provisions relating to the organized crime intelligence unit (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3120 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Hughes, Newhouse, Shinpoch, Wojahn.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3342, making malicious harassment a crime (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3342 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Talmadge, Chairman; Bottiger, Hemstad, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3648, continuing the state board on geographic names (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3648 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, Moore.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3705, relating to the cemetery board (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3705 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Rasmussen, Benitz, Fleming, Gallagher, Lee, Moore.
Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 13, 1981.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 11,
SUBSTITUTE HOUSE BILL NO. 43,
SUBSTITUTE HOUSE BILL NO. 58,
HOUSE BILL NO. 86,
HOUSE BILL NO. 181,
HOUSE BILL NO. 186,
HOUSE BILL NO. 190,
HOUSE BILL NO. 198, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

Senator Clarke moved the Senate advance to the eighth order of business.

Senator Clarke: Mr. President, members of the Senate.

"We took no action on these yesterday and there is an additional list and in view of the thought that the time expiration would have expired, there is a long list of bills. And the suggested committees are on the list which are on your desk, and I am now giving notice that this afternoon I will move that they all be referred to the committees designated as a group.

"If, however, any member should want individual consideration as to any referral, kindly notify Senator Lee and I will then remove them from the initial mass motion and they will then be considered individually.

"So, at this time I move that further consideration be delayed until this afternoon."

REMARKS BY THE PRESIDENT

President Cherberg: "If there is no objection, upon motion by Senator Clarke of further deliberation, the introduction and first reading of bills, will be this afternoon. Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President.

"Further, with respect to the proposed schedule for today, it is our intention to move to the eighth order and ask first that rules committee be relieved of 245, and that it be brought before the body for second reading.

"We would be glad to go to rules and ask rules to put the bill on the calendar but in view of what happened last time, in view of the fact that rules committee has not changed, unless there is some suggestion from the other side that rules would be willing to vote the bill out, we will not go through the needless procedure of going to rules and coming out again.

"Then after that bill has been considered for second reading, we will ask that ways and means be relieved of substitute House Bills 207 and 208, which will then, and that they be placed on the second reading calendar for consideration for amendments today.

"And that in substance will; then this afternoon will be the expiration of the time of our agreement with the other side of the aisle as to the submission of committee designations and the question of committee changes will be taken up then, this afternoon.

"So, Mr. President, at this time I move that we advance to the eighth order of business."

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, you referred to House Bill 207 and 208 in the ways and means committee?"

Senator Clarke: "Yes."

Senator Rasmussen: "Have they been considered by the ways and means committee?"

Senator Clarke: "I am not aware of the extent to which they have been considered; that is up to that committee; they have been in that committee for a considerable period of time, Senator Rasmussen."

Senator Rasmussen: "Senator Clarke, under instructions from the leadership of the Republican party at the present time, all committee meetings were cancelled from and as of Friday when Peter von Reichbauer defected from the Democrats and I do not think there has been any opportunity to hold committee meetings; and I merely thought maybe, maybe some of the Republican members might want to look at what is in those bills, too. In our pell-mell haste to move bills, it does not seem like they are getting the proper consideration

"I see you are questioning people to find out if they are the same question I have, that the bills have never been considered in committee, Senator Clarke, so maybe it is of some concern to some of your members."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Perhaps we can relieve Senator Rasmussen's mind.

"Senator Rasmussen, you voted for House Bill 209 some weeks ago, and it included in it the provisions of both 207 and 208. The matter has been considered by the ways and means committee, both of them, and they were passed out in somewhat defective form. You will recall that we peeled them off of 209 yesterday so those things are properly before us."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, just to correct Senator Newhouse.

"They were not passed out in defective form; they were corrected. The House passed bills that would put the state on warrants. We had the state treasurer up there testifying of the deleterious effects of such measures. And the reason they were passed out in that form was to protect the bond rating of the state of Washington.

"Now if you think that is defective, I suppose you like the credit card economy we are establishing here."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, in further answer to Senator Rasmussen, I think it is apparent that there is no member on this floor that is not well aware of the significance of those two bills. And we are desirous, and we think it is very much in the public interest, to accomplish the passage of the package of bills necessary to implement the supplemental budget; and that is why we are asking to accelerate.

"Now, in the event you feel you do need additional time, which frankly, we cannot see that you do, we would ask that the bills be placed upon the second reading calendar today, and if you would want an additional day in which to consider and prepare your amendments, we would be glad to hold those over until tomorrow, although we would do that only if you so request it, and we would want to first move them to the floor and get them on the second reading calendar."

REMARKS BY SENATOR SCOTT

Senator Scott: "Mr. President, I would respectfully submit that both bills were heard, commented on at some length in the ways and means committee, and the very quote that is used about that Jack Kiley gave, was given at that meeting; and I would also remind that Mr. Kiley's statement was, and it was verbally, a very fancy piece of footwork, that if you took the bills separately, he would raise questions; if you took them as an entity, as a whole, they represented an option dealing with our current fiscal crisis.

"I cannot see all the way across the room for the smoke, but those are the facts."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Well, Mr. President, in my question to Senator Clarke, was in relation to, had the bills officially been considered, and has the public had a chance to appear before . . . ?; when we move bills out of the committee, Senator Clarke, in this fashion as you have been attempting to do, very rapidly, they do not get the proper consideration. And I am mindful of the fact that Governor Spellman has said the same thing. He is worried about what you are doing up here in your haste; and we are worried, too, and that is why we are asking for the proper consideration."

The motion by Senator Clarke carried and the Senate advanced to the eighth order of business.

MOTIONS

On motion of Senator Clarke, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 245.

On motion of Senator Clarke, Engrossed Substitute House Bill No. 245 was ordered placed on the second reading calendar for today.

On motion of Senator Clarke, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 207.

On motion of Senator Clarke, Substitute House Bill No. 207 was ordered placed on the second reading calendar for today.

On motion of Senator Clarke, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 208.

On motion of Senator Clarke, Substitute House Bill No. 208 was ordered placed on the second reading calendar for today.

On motion of Senator Clarke, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 245, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying public assistance laws.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Wojahn:

On page 2, line 32, strike all of section 1.

Senator McDermott asked Senator Scott to yield to a question. Senator Scott declined to yield.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Mr. President, I think I misunderstood Senator Scott; I would like to direct a question, and all I would need, is a 'yes' or 'no'. I think I misunderstood you, and I do not want a prolonged question or a prolonged answer.

"I would just like you to tell me if you said this, you thought in this budget there were funds to carry the chore services through the biennium?"

Senator Scott: "Mr. President, what I said was, that there was an additional \$1.6 million dollars for chore services clients, to take them through the end of the biennium, in particular those with physical disability, the people with real problems.

"In this bill, and Senator Talley, I do not have the particular page reference at hand, but in this bill there is language that will allow the department to adjust away from lawn cutting and gutter cleaning, which are two of the types of help that have been provided through chore service wages now and restricted simply to cleaning houses, helping people in getting food on the table, and so forth.

"And that is why, another feature of this bill is necessary and that is allowing that money to get into the kinds of services that you have to have; you do not have to get your lawn cut right now; you do have to get food on the table."

POINT OF INQUIRY

Senator Bauer: "Thank you, Mr. President.

"I would like to follow up on Senator Talley's question. Senator Scott, what would be the next reduction in chore services provided for in 245, from what Governor Spellman had recommended? I understand he recommended \$4 million dollars. How many dollars are in the chore service program to finish us out in the biennium?"

Senator Scott: "In new dollars, \$1.6 million."

Senator Bauer: "How much difference is that from Governor Spellman's recommendation, then, totally?"

Senator Scott: "My memory is that it is just a little over \$2 million."

Senator Bauer: "Less. So it is about fifty percent of Governor Spellman's recommendation for chore services?"

Senator Scott: "In a purely fiscal sense, Senator Bauer, but as I just pointed out, the provisions in 245 also allow the department to put the manpower that is purchased with the extra money, into essential specific services and away from the somewhat broader definitions that have allowed that, those efforts to go for gutter cleaning and lawn mowing and the grocery buying, and in some of the secondary types of activities and focus it on house cleaning, food preparation, and things that are absolutely essential to disabled people.

"So I think that you have to look at two things: one, the amount of money added; secondly, the better focus with which it is going to be channeled."

Senator Bauer: "Thank you for that, Senator Scott.

"Is the term 'gravely ill', is that a qualification for who those recipients might be after April? 'Gravely ill', is that a criteria for receiving chore services after April?"

Senator Scott: "Well, Senator, I will have to refer you to the page in 245 where the entire list of definitions is given; and that is just one of them. You might be

called a baseline. There are also a number of other ways that these chore service clients can qualify.

"Chore services means . . . performing light work, household tasks, or personal care which eligible persons are unable to do for themselves because of frailty or other conditions.' It also includes 'but are limited to . . . keeping the client and home safe and clean, preparation of meals, and other tasks as determined by the department.' And the 'as determined' of course, is the focusing fact of the amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Bauer, you made mention that you sent out this letter in regards to chore services. Did you get approval from Senator Jones to send that out?"

Senator Bauer: "Well, the first one I did not have to have approved; we were in the majority at that time. The second one I slipped out Monday in the mail before this scrutiny took place, apparently."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Scott, I want to be sure I understand correctly what the premise is on the chore services. At the present time, it is my understanding that if we have someone who has fifty percent of the average income of the state who is applying for chore services, they are eligible. Is that correct?"

Senator Scott: "It is my understanding, Senator, is that it is thirty-seven percent; fifty-seven percent is the, of the state median wage is correct. It is a little more than fifty percent. Under the revised standards, it is thirty percent. That is \$21,000 a year which would be \$6,000 for a family of two, or something like half of that for a single individual."

Senator Ridder: "Okay. My understanding, in rough figures, is that someone who now has an income of something over five hundred dollars a month, will not be eligible unless they are reduced to the point of approximately two hundred and fifty dollars a month. Is that accurate?"

Senator Scott: "That is essentially correct."

Senator Ridder: "The first category will retain chore services for two months, for the sixty days."

Senator Scott: "That is right."

Senator Ridder: "Then that two hundred and fifty dollars additional income that they have will disqualify them for any kind of chore services, at least through the remainder of this biennium."

Senator Scott: "That is true, Senator, but it is also true that the chore services that are delivered with the additional \$1.6 million, will be focused on the things that I read in 245 on the bottom of page 16 and the top of page 17; that is, it will not be going for yard work and secondary kinds of services; so to say there is a direct correlation between the dollar amounts you cited and the amount of service rendered, is not entirely true, either."

Senator Ridder: "I notice it is a bit more general and I would refer to Senator Moore's comments about the department. 'Safe and clean and preparation of meals' is fairly limited. Sure, you have taken out, well, I don't know, wood chopping is fairly important this time of year, especially with your dependence on the energy grant; lawn care, simple household repairs, does that include the toaster, the door that does not close, that kind of thing? It seems to me that you are, indeed, going

back to Governor Spellman's injunction not to balance the budget on the backs of the poor; and indeed, upon their stomachs, at this point."

Senator Scott: "Senator, with all respect I would point out that when Senator McDermott's edition of the supplemental budget came out, at the levels that the Governor had suggested to the House, the House bill also had an amount in excess of \$15 million dollars above what he had suggested for K-12; and during that same period, the staff mix factor was considered and another \$8 million dollars was added into the K-12 side over here for meeting our obligations in that area.

"We used up our money."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I do not know if Senator Scott is speaking on the amendment or making a polemic about some other bill; I did not know we had school matters in this."

REMARKS BY SENATOR SCOTT

Senator Scott: "I am answering Senator Ridder, Senator, as to why the amendment, the concerns that she is now addressing, and we tried to address but were voted down; we offered amendments for an additional \$7.4 million dollars to address some of the things you are talking about. That money is now spent."

PERSONAL PRIVILEGE

Senator Ridder: "I would not like to have it assumed in any manner that I should be setting my concerns for those who are unable to help themselves against the concerns of education. We did not come to the point of having the opportunity to vote upon the amendments, the supplemental budget for education, and I would not want, in any way, to have it construed that I should set one concern, concern for one segment against another. That may be true for others but not for me."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators McDermott and Wojahn to page 2, line 32.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Gaspard, Talmadge, Wilson—3.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, McDermott and Conner:

On page 3, line 24, after "receive" strike "~~((or are not receiving))~~" and insert "or are not receiving"

Debate ensued.

The motion by Senator Shinpoch failed and the amendment was not adopted.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, McDermott and Conner:

On page 3, line 25, after "assistance" strike all material through line 29 and insert ": PROVIDED, That general assistance shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse"

POINT OF INQUIRY

Senator Talley: "Senator Shinpoch, I cannot believe what you say. Are you suggesting these people might live together in sin?"

Senator Shinpoch: "Well, they may have to, well let's see, 'live together in sin'—it only becomes effective if they are married and they divorce, so if one was concerned about the other one being able to live on half fare, well then, they might have to."

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Shinpoch, McDermott and Conner to page 3, line 23.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Hughes, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Excused: Senators Gaspard, Wilson—2.

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 7, after line 25, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 8, after line 14, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 9, after line 14, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 9, after line 24, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 10, after line 5, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 10, after line 30, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 11, after line 21, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 13, after line 15, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 13, after line 30, insert "The provisions of this new section shall expire on June 30, 1981."

On page 14, after line 4, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 15, after line 15, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 17, after line 18, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 17, after line 34, insert "The provisions of this new section shall expire on June 30, 1981."

On page 18, after line 12, insert "The provisions of this new section shall expire on June 30, 1981."

On page 18, after line 29, insert "The provisions of the new section shall expire on June 30, 1981."

On page 19, after line 13, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 20, after line 7, insert "The provisions of this new section shall expire on June 30, 1981."

On page 20, after line 34, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 21, after line 20, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 22, after line 33, insert "The amendments provided in this section shall expire on June 30, 1981."

On page 23, after line 33, insert "The provisions of this new section shall expire on June 30, 1981."

Debate ensued.

On motion of Senator Goltz, the following amendment to the amendment by Senator McDermott was adopted:

Strike the amendment to page 9, after line 14.

The motion by Senator McDermott failed and the amendment, as amended, was not adopted on a rising vote.

Senator Shinpoch moved the following amendments be considered and adopted simultaneously:

On page 9, line 20, after "areas" insert "on the basis of actual living cost differences between such areas"

On page 12, line 14, after "areas" insert "on the basis of actual living cost differences between such areas"

The motion by Senator Shinpoch failed and the amendments were not adopted.

Senator Bottiger moved adoption of the following amendment by Senators McDermott and Bottiger:

On page 11, line 22, strike all of section 9.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators McDermott and Bottiger to page 11, line 22.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Excused: Senator Wilson—1.

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 12, line 24, after "using" insert "the lesser of (a)"

On page 12, line 28, after "allowance" insert "or (b) the actual food stamp allotment for which the assistance unit is eligible under federal law"

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott to page 12, lines 24 and 28.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Vognild—1.

Excused: Senator Wilson—1.

Senator McDermott moved the following amendments by Senators McDermott, Ridder, Gaspard, Woody, Fleming, Goltz, Shinpoch, Bauer and Hughes be considered and adopted simultaneously:

On page 17, line 15, after "1981" strike ", for a length of time determined by the department, not to exceed sixty days,"

On page 17, line 33, strike all the language down through the period on line 34.

POINT OF INQUIRY

Senator Ridder: "Senator McDermott, may I add my name to that amendment?"

Senator McDermott: "Certainly. Anybody on the floor here may add his name to this amendment if they wish."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators McDermott, Ridder, Gaspard, Woody, Fleming, Goltz, Shinpoch, Bauer and Hughes to page 17, lines 25 and 33.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Vognild—1.

Excused: Senator Wilson—1.

There being no objection, on motion of Senator McDermott, an amendment by Senator McDermott to page 18, line 13 on the desk of the Secretary of the Senate was withdrawn.

Senator McDermott moved adoption of the following amendment:

On page 18, line 23, after "1981" strike ", (3) because of unusual and compelling circumstances will suffer manifest and extraordinary hardship"

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

Senator McDermott moved adoption of the following amendment by Senators Shinpoch and McDermott:

On page 20, line 3, after "than" strike "seven" and insert "ninety"

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Shinpoch and McDermott to page 20, line 3.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Vognild—1.

Excused: Senator Wilson—1.

There being no objection, an amendment by Senators Shinpoch and McDermott to page 21, line 3 on the desk of the Secretary of the Senate was withdrawn by Senator McDermott.

Senator Shinpoch moved adoption of the following amendment by Senator Shinpoch:

On page 21, line 33 of the Engrossed bill, being page 21, line 15 of the printed bill after "homes" and before the period insert "or an eighteen to twenty-one year old person who is enrolled as a full-time student in a high school or vocational technical school"

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Shinpoch to page 21, line 33.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Vognild—1.

Excused: Senator Wilson—1.

MOTIONS

On motion of Senator Ridder, Senator Vognild was excused.

Senator McDermott moved adoption of the following amendment:

On page 21, line 21, strike all of section 21.

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to page 21, line 21.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Excused: Senators Vognild, Wilson—2.

On motion of Senator Goltz, the following amendment was adopted:

On page 23, line 34, between "of" and "section" insert "section 3 and"

PERSONAL PRIVILEGE

Senator Goltz: "I want you to know there are people on this side of the aisle who can say 'Thank you'."

There being no objection, on motion of Senator McDermott, an amendment to page 23, line 34 on the desk of the Secretary of the Senate was withdrawn.

POINT OF INQUIRY

Senator McDermott: "Senator Scott, in drawing this bill, one of the problems that we considered was the difficulty in the medical assistance definitions on page 19 and I would like to ask you a series of three questions and ask you to respond.

"The first is, is it your intention to restrict abortions in any way by changing the definition of 'medical assistance' on page 19, beginning on line 6?"

Senator Scott: "No."

Senator McDermott: "I am concerned that by referencing federal aid assistance on page 19, line 8, you are tying this definition to federal funding which is restricted by the Hyde amendment. Is this your intent?"

Senator Scott: "No."

Senator McDermott: "So in your opinion, this section of Engrossed Substitute House Bill 245 is not a prohibition of state-funded abortions?"

Senator Scott: "No, it is not."

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 245, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 245, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—21.

Excused: Senators Vognild, Wilson—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 245, 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.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Moore served notice that he would move for reconsideration of the vote by which Engrossed Substitute House Bill No. 245, as amended by the Senate, passed the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Scott moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 245, as amended by the Senate, passed the Senate.

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Scott, the rules provide that the notice of reconsideration prevails until the Senate adjourns today. Notice has been received from Senator Moore."

MOTION

At 12:05 p.m., on motion of Senator Clarke, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

On motion of Senator Clarke, the Senate returned to the fifth order of business.

On motion of Senator Clarke, the Introductions and referrals will be made on each bill to the committee as indicated on the lists on the desk of each member with the exception of the following Senate bills: 3837, 3859, 3866, 3903, 3907, 3934, 3937, 3948, 3967, 3985 and SJR 120.

On motion of Senator Lee, the following referrals were made on Senate bills: 3837 to Judiciary Committee; 3859 to Committee on Ways and Means; 3866 to Committee on State Government; 3903 to Committee on Financial Institutions and Insurance; 3907, 3934, 3937, 3948 to the Committee on Ways and Means; 3967 to the Committee on Local Government; 3985 to the Judiciary Committee.

Senator Lee moved that Senate Joint Resolution 120 be referred to the Committee on Constitutions and Elections.

POINT OF INQUIRY

Senator Charnley: "Senator Lee, I just wanted to check with you on this particular item, that the bill dealing with home rule, of course, had been referred to local government; and this, of course, is a home rule charter.

"I understand that constitutions and elections generally deals with amendments to the constitution, but I would like to suggest that it might be better to have this one start in local government where that topic has been discussed over the past year, and then maybe if the decision would be made to rerefer it."

Senator Lee: "Senator Charnley, we did talk to the committee chairmen involved in this particular matter. One of the procedures we would like to try is that

all of the joint resolutions that are constitutional amendments, will have their turn in the constitutions and elections committee, and we just felt it would be a faster procedure rather than to hear it, rerefer it, and have it heard a second time.

"It could very well be that we could work out something with some of the members of local government to participate in those hearings because of their past experience."

Senator Charnley: "Well, I appreciate that courtesy. This is a rather important issue to local government."

Senator Lee: "I think that is a reasonable request."

The motion by Senator Lee carried. Senate Joint Resolution No. 120 was referred to the Committee on Constitutions and Elections.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3834, by Senators Clarke, Wojahn and Bauer (by Insurance Commissioner request):

AN ACT Relating to title insurers; and adding new sections to chapter 48.29 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3835, by Senator Vognild:

AN ACT Relating to powers of county legislative authorities; and amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 35, chapter 136, Laws of 1979 ex. sess. and RCW 36.32.120.

Referred to Committee on Local Government.

SENATE BILL NO. 3836, by Senators Fuller, Talley, Quigg and Peterson:

AN ACT Relating to timber taxes; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071; amending section 6, chapter 134, Laws of 1980 and RCW 84.33.075; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; adding a new section to chapter 84.33 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3837, by Senators Lee, Hayner, Deccio, McCaslin and Pullen:

AN ACT Relating to prisoner work programs; creating new sections; and making an appropriation.

Referred to Judiciary Committee.

SENATE BILL NO. 3838, by Senator Rasmussen:

AN ACT Relating to state government; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 43.79.280, chapter 8, Laws of 1965 as amended by section 3, chapter 144, Laws of 1973 and RCW 43.79.280; amending section 4, chapter 144, Laws of 1973 and RCW 43.79.282; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3839, by Senators Wojahn and Shinpoch:

AN ACT Relating to horse racing; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3840, by Senators McDermott and Lee:

AN ACT Relating to institutions of higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3841, by Senators Fuller, Hemstad and Metcalf:

AN ACT Relating to the minimum wage; and amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3842, by Senator Williams:

AN ACT Relating to radioactive waste; adding a new section to chapter 70.98 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3843, by Senators Scott, McDermott, Jones and Hayner (by Office of Financial Management request):

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3844, by Senators Craswell, Goltz and Metcalf:

AN ACT Relating to campaign financing; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3845, by Senators Wilson, Sellar, Bauer and Hughes:

AN ACT Relating to school district authorized transportation; amending section 28A.58.550, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 42, Laws of 1970 ex. sess. and RCW 28A.58.550; amending section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A.58.131; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; repealing section 28A.24.055, chapter 223, Laws of 1969 ex. sess., section 3, chapter 153, Laws of 1969 ex. sess., section 3, chapter 24, Laws of 1971, section 1, chapter 45, Laws of 1973, section 2, chapter 122, Laws of 1980 and RCW 28A.24.055; repealing section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; repealing section 28A.24.100, chapter 223, Laws of 1969 ex. sess., section 10, chapter 66, Laws of 1971 ex. sess., section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; repealing section 1, chapter 78, Laws of 1971, section 2, chapter 45, Laws of 1973 and RCW 28A.24.110; repealing section 2, chapter 78, Laws of 1971 and RCW 28A.24.111; repealing section 3, chapter 78, Laws of 1971 and RCW 28A.24.112; repealing section 3, chapter 45, Laws of 1973 and RCW 28A.24.120; repealing section 1, chapter 24, Laws of 1971 and RCW 28A.24.170; repealing section 2, chapter 24, Laws of 1971, section 1, chapter 171, Laws of 1974 ex. sess. and RCW 28A.24.172; and repealing section 1, chapter 93, Laws of 1974 ex. sess. and RCW 28A.24.180; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3846, by Senators Vognild, Gallagher and Goltz:
AN ACT Relating to employees' records; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3847, by Senators Lee, Haley and Woody:
AN ACT Relating to the organized militia; and amending section 37, chapter 130, Laws of 1943 and RCW 38.12.200.

Referred to Committee on State Government.

SENATE BILL NO. 3848, by Senators Goltz and Gould:
AN ACT Relating to school district excess levies; and amending section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531.

Referred to Committee on Education.

SENATE BILL NO. 3849, by Senators Craswell, Conner, Gallagher, Quigg, Lysen and Lee:

AN ACT Relating to the transportation commission; amending section 2, chapter 10, Laws of 1979 and RCW 43.17.020; amending section 4, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.041; amending section 7, chapter 151, Laws of 1977 ex. sess. as amended by section 45, chapter 87, Laws of 1980 and RCW 47.01.071; amending section 10, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.101; amending section 12, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.121; amending section 1, chapter 12, Laws of 1973 2nd ex. sess. as amended by section 68, chapter 75, Laws of 1977 and RCW 47.01.141; amending section 78, chapter 145, Laws of 1967 ex. sess. as amended by section 6, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.145; amending section 47.01.170, chapter 13, Laws of 1961 and RCW 47.01.170; amending section 47.01.180, chapter 13, Laws of 1961 and RCW 47.01.180; amending section 47.01.190, chapter 13, Laws of 1961 and RCW 47.01.190; amending section 47.01.210, chapter 13, Laws of 1961 and RCW 47.01.210; amending section 10, chapter 195, Laws of 1971 ex. sess. and RCW 47.01.240; and amending section 26, chapter 151, Laws of 1977 ex. sess. as amended by section 204, chapter 158, Laws of 1979 and RCW 47.01.250.

Referred to Committee on Transportation.

SENATE BILL NO. 3850, by Senators Fuller, Deccio, Guess, Gould and Bluechel:

AN ACT Relating to unemployment compensation; and amending section 118, chapter 35, Laws of 1945 as amended by section 10, chapter 215, Laws of 1951 and RCW 50.32.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3851, by Senators Bauer and Moore:

AN ACT Relating to hemophilia, cystic fibrosis, and sickle cell anemia; amending section 3, chapter 128, Laws of 1969 ex. sess. and RCW 48.20.420; amending section 4, chapter 128, Laws of 1969 ex. sess. as amended by section 32, chapter 80, Laws of 1977 ex. sess. and RCW 48.21.150; amending section 1, chapter 128, Laws of 1969 ex. sess. as amended by section 33, chapter 80, Laws of 1977 ex. sess. and RCW 48.44.200; and amending section 2, chapter 128, Laws of 1969 ex. sess. as amended by section 34, chapter 80, Laws of 1977 ex. sess. and RCW 48.44.210.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3852, by Senators Sellar, McDermott, Goltz and Hemstad:

AN ACT Relating to libraries; amending section 2, chapter 119, Laws of 1935 as last amended by section 5, chapter 353, Laws of 1977 ex. sess. and RCW 27.12-.010; amending section 1, chapter 119, Laws of 1935 and RCW 27.12.020; adding new sections to chapter 27.12 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. by 3853, by Senator Rasmussen:

AN ACT Relating to veterans; amending section 12, chapter 15, Laws of 1970 ex. sess. as last amended by section 2, chapter 120, Laws of 1977 ex. sess. and RCW 28A.02.070; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1979 and RCW 28B.15.380; amending section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 11, chapter 322, Laws of 1977 ex. sess. and RCW 28B.40.361; amending section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005; amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04-.010; amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; amending section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110; amending section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1975 1st ex. sess. and RCW 73.16.010; amending section 72.36.070, chapter 28, Laws of 1959 as amended by section 4, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.070; amending section 72.36.080, chapter 28, Laws of 1959 as last amended by section 5, chapter 186, Laws of 1977 ex. sess. and RCW 72.36.080; amending section 1, page 208, Laws of 1888 as last amended by section 1, chapter 180, Laws of 1947 and RCW 73.08.010; adding new sections to chapter 11.08 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 73.04 RCW; repealing section 1, chapter 69, Laws of 1903, section 9, chapter 144, Laws of 1945 and RCW 73.04-.050; and repealing section 2, chapter 69, Laws of 1903, section 10, chapter 144, Laws of 1945 and RCW 73.04.060.

Referred to Committee on State Government.

SENATE BILL NO. 3854, by Senators McDermott, Gould and Goltz:

AN ACT Relating to the control of noxious weeds; amending section 6, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.060; and amending section 21, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.210.

Referred to Committee on Agriculture.

SENATE BILL NO. 3855, by Senators Hansen, Conner and Vognild:

AN ACT Relating to law enforcement; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3856, by Senator Bottiger:

AN ACT Relating to product liability insurance; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3857, by Senators Moore, Haley and Hemstad:

AN ACT Relating to legend drugs; and amending section 3, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3858, by Senators Gaspard and Bauer:

AN ACT Relating to public school districts; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3859, by Senator Moore:

AN ACT Relating to crisis clinic information and referral services; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3860, by Senators Woody, Metcalf and Fuller:

AN ACT Relating to initiatives and referendums; amending section 29.79.200, chapter 9, Laws of 1965 as last amended by section 105, chapter 361, Laws of 1977 ex. sess. and RCW 29.79.200; and repealing section 29.79.220, chapter 9, Laws of 1965, section 2, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.220.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3861, by Senator Hansen:

AN ACT Relating to water supply facilities; amending section 4, chapter 234, Laws of 1979 ex. sess. (Referendum Bill No. 38) and RCW 43.99E.025; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 3862, by Senators Woody, Metcalf and Fuller:

AN ACT Relating to initiatives and referendums; amending section 29.79.040, chapter 9, Laws of 1965 as amended by section 2, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.040; amending section 29.79.050, chapter 9, Laws of 1965 as amended by section 3, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.050; amending section 29.79.060, chapter 9, Laws of 1965 and RCW 29.79.060; amending section 29.79.070, chapter 9, Laws of 1965 and RCW 29.79.070; amending section 29.79.080, chapter 9, Laws of 1965 as amended by section 4, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.080; amending section 29.79.090, chapter 9, Laws of 1965 and RCW 29.79.090; amending section 29.79.100, chapter 9, Laws of 1965 and RCW 29.79.100; and amending section 29.79.110, chapter 9, Laws of 1965 and RCW 29.79.110.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3863, by Senators Ridder, Bluechel, Deccio and Moore:

AN ACT Relating to social and health services; and adding new sections to chapter 43.20A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3864, by Senators Goltz, Sellar, Bauer and Charnley:

AN ACT Relating to state government; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 255, Laws of 1979 ex. sess. and RCW 43.03.010; adding a new section to chapter 44.04 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3865, by Senators Vognild, Newhouse, Williams and Talley:

AN ACT Relating to minimum rate of compensation for employment in excess of a forty hour work week; and reenacting and amending section 3, chapter 289,

Laws of 1975 1st ex. sess. as amended by section 1, chapter 4, Laws of 1977 ex. sess. and by section 1, chapter 74, Laws of 1977 ex. sess. and RCW 49.46.130.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3866, by Senators Hemstad and Lee:

AN ACT Relating to the state capitol historical association and museum; amending section 1, chapter 44, Laws of 1941 as amended by section 1, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.010; amending section 3, chapter 44, Laws of 1941 and RCW 27.36.020; amending section 2, chapter 44, Laws of 1941 as amended by section 2, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.030; amending section 4, chapter 44, Laws of 1941 as amended by section 3, chapter 57, Laws of 1979 ex. sess. and RCW 27.36.040; amending section 5, chapter 44, Laws of 1941 as last amended by section 16, chapter 75, Laws of 1977 and RCW 27.36.050; repealing section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060; repealing section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070; and adding a new section to chapter 27.36 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3867, by Senator Goltz:

AN ACT Relating to air pollution control; and amending section 3, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.155.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3868, by Senators Vognild, Quigg and Lysen:

AN ACT Relating to job safety corrections; and amending section 5, chapter 80, Laws of 1973 and RCW 49.17.050.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3869, by Senators Bauer and Zimmerman:

AN ACT Relating to tax consultants and preparers; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3870, by Senators Fuller and Talley:

AN ACT Relating to forest land valuation; amending section 4, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.040; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.110; amending section 12, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.113; amending section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115; amending section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116; amending section 17, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.118; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 134, Laws of 1980 and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; adding new sections to chapter 84.33 RCW; creating a new section; repealing section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111; repealing section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117; repealing section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3871, by Senators Benitz, Patterson and Guess:

AN ACT Relating to a toll bridge at north Richland; amending section 1, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.740; amending section 3, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.742; amending section 6, chapter

212, Laws of 1979 ex. sess. and RCW 47.56.745; amending section 9, chapter 212, Laws of 1979 ex. sess. and RCW 47.56.748; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 3872, by Senator Hansen:

AN ACT Relating to commodity commissions; amending section 3, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.030; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 14, chapter 87, Laws of 1980 and RCW 41.06.070; and amending section 43.88.240, chapter 8, Laws of 1965 and RCW 43.88.240.

Referred to Committee on Agriculture.

SENATE BILL NO. 3873, by Senators Gallagher, Lee and Gould:

AN ACT Relating to public health; and amending section 1, chapter 97, Laws of 1977 ex. sess and RCW 70.54.160.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3874, by Senators Charnley and Goltz:

AN ACT Relating to the council for postsecondary education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3875, by Senator Peterson:

AN ACT Relating to denturism; amending section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32-.030; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3876, by Senators Talley, Quigg and Conner:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3877, by Senator Haley:

AN ACT Relating to state hospitals for the mentally ill; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3878, by Senators Vognild, Quigg and Lysen:

AN ACT Relating to safety citation appeals; amending section 14, chapter 80, Laws of 1973 and RCW 49.17.140; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3879, by Senators Bluechel and Haley:

AN ACT Relating to health planning and resource development; repealing section 1, chapter 161, Laws of 1979 ex. sess., section 1, chapter 139, Laws of 1980 and RCW 70.38.015; repealing section 2, chapter 161, Laws of 1979 ex. sess., section 2, chapter 139, Laws of 1980 and RCW 70.38.025; repealing section 3, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.035; repealing section 4, chapter 161, Laws of 1979 ex. sess., section 3, chapter 139, Laws of 1980 and RCW 70.38.045; repealing section 5, chapter 161, Laws of 1979 ex. sess., section 4, chapter 139, Laws of 1980 and RCW 70.38.055; repealing section 6, chapter 161, Laws of 1979 ex. sess., section 5, chapter 139, Laws of 1980 and RCW 70.38.065; repealing section 8, chapter 161, Laws of 1979 ex. sess., section 6, chapter 139, Laws of 1980 and RCW 70.38.085; repealing section 9, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.095; repealing section 10, chapter 161, Laws of 1979 ex. sess., section 7, chapter 139, Laws of 1980 and RCW 70.38.105; repealing section 9, chapter 139, Laws of 1980 and RCW 70.38.111; repealing section 11, chapter 161, Laws of 1979

ex. sess., section 8, chapter 139, Laws of 1980 and RCW 70.38.115; repealing section 12, chapter 161, Laws of 1979 ex. sess., section 10, chapter 139, Laws of 1980 and RCW 70.38.125; repealing section 13, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.135; repealing section 14, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.145; repealing section 15, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.155; repealing section 11, chapter 139, Laws of 1980 and RCW 70.38.156; repealing section 16, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.905; repealing section 17, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.910; repealing section 12, chapter 139, Laws of 1980 and RCW 70.38.911; repealing section 19, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.915; repealing section 14, chapter 139, Laws of 1980 and RCW 70.38.916; and repealing section 22, chapter 161, Laws of 1979 ex. sess. and RCW 70.38.920.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3880, by Senators Hansen and Deccio:

AN ACT Relating to resource management land; amending section 1, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.010; amending section 2, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.020; amending section 3, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.030; amending section 4, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.040; and amending section 5, chapter 109, Laws of 1977 ex. sess. and RCW 79.66.050.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3881, by Senators Goltz and Charnley:

AN ACT Relating to the council for postsecondary education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3882, by Senator Goltz:

AN ACT Relating to noise control; adding new sections to chapter 70.107 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3883, by Senators Quigg and Bottiger:

AN ACT Relating to judges salaries; amending section 1, chapter 144, Laws of 1953 as last amended by section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; declaring an emergency; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3884, by Senator Goltz:

AN ACT Relating to mountain sheep; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 105, chapter 78, Laws of 1980 and RCW 77.32.020; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3885, by Senators Woody, Metcalf and Fuller:

AN ACT Relating to elections; and amending section 29.51.110, chapter 9, Laws of 1965 as amended by section 43, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.110.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3886, by Senator Shinpoch:

AN ACT Relating to the Washington health care facilities authority; amending section 5, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.050; and amending section 10, chapter 147, Laws of 1974 ex. sess. and RCW 70.37.100.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3887, by Senators Fuller and Benitz:

AN ACT Relating to revenue and taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 6, Laws of 1979 and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 6, Laws of 1979 and RCW 84.33.080; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3888, by Senator Goltz:

AN ACT Relating to funding public transportation systems; and amending section 2, chapter 296, Laws of 1971 ex. sess. as last amended by section 1, chapter 163, Laws of 1980 and RCW 82.14.045.

Referred to Committee on Transportation.

SENATE BILL NO. 3889, by Senators Hansen and Deccio:

AN ACT Relating to state lands; and amending section 1, chapter 290, Laws of 1957 as last amended by section 2, chapter 50, Laws of 1973 1st ex. sess. and RCW 79.08.180.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3890, by Senators Jones, Moore and Hemstad:

AN ACT Relating to commercial paper; amending section 1, chapter 23, Laws of 1967 ex. sess. as amended by section 1, chapter 62, Laws of 1969 and RCW 62A.3-515; amending section 2, chapter 62, Laws of 1969 and RCW 62A.3-520; amending section 3, chapter 62, Laws of 1969 and RCW 62A.3-525; adding a new section to Part 1, Article 3 of Title 62A RCW; and adding a new section to Part 5, Article 3 of Title 62A RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3891, by Senator Gaspard:

AN ACT Relating to educational service districts; amending section 23, chapter 176, Laws of 1969 ex. sess. as last amended by section 37, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.220; amending section 4, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.071; amending section 11, chapter 282, Laws of 1971 ex. sess. as last amended by section 1, chapter 66, Laws of 1979 ex. sess. and RCW 28A.21.086; amending section 14, chapter 75, Laws of 1974 ex. sess. as amended by section 25, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.111; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3892, by Senators Vognild, Jones and Shinpoch:

AN ACT Relating to local land use regulation; and adding new sections to chapter 36.70 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3893, by Senators Clarke and Wojahn (by Department of General Administration Division of Banking request):

AN ACT Relating to banks and banking; amending section 30.04.180, chapter 33, Laws of 1955 as amended by section 2, chapter 136, Laws of 1969 and RCW 30.04.180; amending section 30.04.230, chapter 33, Laws of 1955 as last amended by section 1, chapter 92, Laws of 1973 1st ex. sess. and RCW 30.04.230; amending section 30.12.010, chapter 33, Laws of 1955 as last amended by section 1, chapter

35, Laws of 1975 and RCW 30.12.010; adding new sections to chapter 30.08 RCW; repealing section 30.04.090, chapter 33, Laws of 1955, section 1, chapter 356, Laws of 1955, section 2, chapter 106, Laws of 1959, section 1, chapter 194, Laws of 1963, section 1, chapter 133, Laws of 1967, section 1, chapter 54, Laws of 1967 ex. sess. and RCW 30.04.090; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3894, by Senator Pullen:

AN ACT Relating to restitution for crimes; amending section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040; amending section 90, chapter 299, Laws of 1961 as amended by section 15, chapter 81, Laws of 1971 and RCW 3.50.410; amending section 93, chapter 299, Laws of 1961 and RCW 3.50.440; amending section 117, chapter 299, Laws of 1961 and RCW 3.66.060; and amending section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 29, Laws of 1979 and RCW 9A.20.030.

Referred to Judiciary Committee.

SENATE BILL NO. 3895, by Senators Woody, Metcalf and Fuller:

AN ACT Relating to initiatives and referendums; amending section 29.79.010, chapter 9, Laws of 1965 and RCW 29.79.010; amending section 29.79.030, chapter 9, Laws of 1965 and RCW 29.79.030; amending section 29.79.050, chapter 9, Laws of 1965 as amended by section 3, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.050; amending section 29.79.060, chapter 9, Laws of 1965 and RCW 29.79.060; amending section 29.79.070, chapter 9, Laws of 1965 and RCW 29.79.070; amending section 29.79.080, chapter 9, Laws of 1965 as amended by section 4, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.79.080; amending section 29.79.090, chapter 9, Laws of 1965 and RCW 29.79.090; amending section 29.79.100, chapter 9, Laws of 1965 and RCW 29.79.100; amending section 29.79.110, chapter 9, Laws of 1965 and RCW 29.79.110; amending section 29.79.120, chapter 9, Laws of 1965 and RCW 29.79.120; amending section 29.79.140, chapter 9, Laws of 1965 and RCW 29.79.140; amending section 29.79.150, chapter 9, Laws of 1965 and RCW 29.79.150; amending section 29.79.190, chapter 9, Laws of 1965 and RCW 29.79.190; amending section 29.79.200, chapter 9, Laws of 1965 as last amended by section 105, chapter 361, Laws of 1977 ex. sess. and RCW 29.79.200; amending section 29.79.310, chapter 9, Laws of 1965 and RCW 29.79.310; repealing section 29.79.130, chapter 9, Laws of 1965 and RCW 29.79.130; and repealing section 29.79.220, chapter 9, Laws of 1965, section 2, chapter 207, Laws of 1969 ex. sess. and RCW 29.79.220.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3896, by Senators Goltz, Gallagher, Wilson and Sellar:

AN ACT Relating to elections; adding a new section to chapter 42.17 RCW; and providing penalties.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3897, by Senators Wojahn, Haley and Gaspard:

AN ACT Relating to the Washington state school directors' association; amending section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020; and amending section 28A.61.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 125, Laws of 1969 and RCW 28A.61.050.

Referred to Committee on Education.

SENATE BILL NO. 3898, by Senators Rasmussen and Jones (by Utilities and Transportation Commission request):

AN ACT Relating to state government; amending section 3, chapter 133, Laws of 1913 and RCW 8.24.040; amending section 1, chapter 114, Laws of 1955 as last

amended by section 1, chapter 42, Laws of 1977 ex. sess. and RCW 9.45.240; amending section 5, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.070; amending section 61, chapter 256, Laws of 1961 and RCW 15.65.610; amending section 15.66.270, chapter 11, Laws of 1961 and RCW 15.66.270; amending section 5, chapter 319, Laws of 1977 ex. sess. as amended by section 78, chapter 158, Laws of 1979 and RCW 19.02.050; amending section 4, chapter 130, Laws of 1913 and RCW 19.29.040; amending section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 49, Laws of 1977 and RCW 19.86.170; amending section 2, chapter 221, Laws of 1939 and RCW 19.90.020; amending section 12, chapter 221, Laws of 1939 and RCW 19.90.120; amending section 141, chapter 53, Laws of 1965 and RCW 23A.40.080; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055; amending section 1, chapter 91, Laws of 1980 and RCW 28A.24.175; amending section 1, chapter 93, Laws of 1974 ex. sess. and RCW 28A.24.180; amending section 4, chapter 234, Laws of 1959 as amended by section 11, chapter 87, Laws of 1980 and RCW 34.04.040; amending section 35.58.240, chapter 7, Laws of 1965 as last amended by section 8, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.240; amending section 35.58.250, chapter 7, Laws of 1965 and RCW 35.58.250; amending section 35.84.060, chapter 7, Laws of 1965 as amended by section 26, chapter 281, Laws of 1969 ex. sess. and RCW 35.84.060; amending section 36.54.080, chapter 4, Laws of 1963 as amended by section 36, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.54.080; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; amending section 19, chapter 270, Laws of 1975 1st ex. sess. as amended by section 3, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.090; amending section 20, chapter 270, Laws of 1975 1st ex. sess. as amended by section 4, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.100; amending section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.040; amending section 3, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.050; amending section 4, chapter 293, Laws of 1971 ex. sess. and RCW 36.58A.030; amending section 6, chapter 293, Laws of 1971 ex. sess. and RCW 36.58A.040; amending section 36.86.100, chapter 4, Laws of 1963 and RCW 36.86.100; amending section 4, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.040; amending section 1, chapter 139, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1977 and RCW 39.34.085; amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.080; amending section 43.52.450, chapter 8, Laws of 1965 as amended by section 11, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.450; amending section 1, chapter 201, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 192, Laws of 1979 ex. sess. and RCW 44.40.070; amending section 46.16.125, chapter 12, Laws of 1961 as amended by section 60, chapter 83, Laws of 1967 ex. sess. and RCW 46.16.125; amending section 46.52.060, chapter 12, Laws of 1961 as last amended by section 161, chapter 158, Laws of 1979 and RCW 46.52.060; amending section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 78, Laws of 1977 and RCW 46.61.350; amending section 3, chapter 16, Laws of 1963 as last amended by section 35, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.410; amending section 3, chapter 94, Laws of 1967 ex. sess. as amended by section 200, chapter 158, Laws of 1979 and RCW 46.86.020; amending section 4, chapter 94, Laws of 1967 ex. sess. as amended by section 201, chapter 158, Laws of 1979 and RCW 46.86.030; amending section 5, chapter 94, Laws of 1967 ex. sess. as amended by section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; amending section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140; amending section 2, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.066;

amending section 47.32.140, chapter 13, Laws of 1961 and RCW 47.32.140; amending section 47.36.050, chapter 13, Laws of 1961 and RCW 47.36.050; amending section 47.36.070, chapter 13, Laws of 1961 and RCW 47.36.070; amending section 8, chapter 65, Laws of 1955 and RCW 53.08.070; amending section 2, chapter 130, Laws of 1945 and RCW 54.04.100; amending section 5, chapter 390, Laws of 1955 and RCW 54.16.040; amending section 2, chapter 159, Laws of 1967 as last amended by section 2, chapter 72, Laws of 1975-'76 2nd ex. sess. and RCW 54.44.020; amending section 3, chapter 102, Laws of 1969 and RCW 54.48-.030; amending section 4, chapter 102, Laws of 1969 and RCW 54.48.040; amending section 1, chapter 111, Laws of 1931 as last amended by section 5, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.010; amending section 5, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.191; amending section 9, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 293, Laws of 1971 ex. sess. and RCW 70.95.090; amending section 27, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.900; amending section 79, chapter 255, Laws of 1927 and RCW 79.01-.316; amending section 81, chapter 255, Laws of 1927 and RCW 79.01.324; amending section 82, chapter 255, Laws of 1927 and RCW 79.01.328; amending section 2, chapter 312, Laws of 1927 and RCW 79.36.240; amending section 5, chapter 312, Laws of 1927 and RCW 79.36.270; amending section 7, chapter 312, Laws of 1927 and RCW 79.36.280; amending section 80.01.010, chapter 14, Laws of 1961 as amended by section 4, chapter 307, Laws of 1961 and RCW 80.01.010; amending section 80.01.040, chapter 14, Laws of 1961 and RCW 80.01.040; amending section 80.01.080, chapter 14, Laws of 1961 and RCW 80.01.080; amending section 7, chapter 293, Laws of 1971 ex. sess. and RCW 80.01.300; amending section 80.04-.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010; amending section 80.08.010, chapter 14, Laws of 1961 and RCW 80.08.010; amending section 80.08.070, chapter 14, Laws of 1961 and RCW 80.08.070; amending section 80.08.105, chapter 14, Laws of 1961 and RCW 80.08.105; amending section 80.12.010, chapter 14, Laws of 1961 and RCW 80.12.010; amending section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16-.010; amending section 80.28.190, chapter 14, Laws of 1961 as amended by section 141, chapter 81, Laws of 1971 and RCW 80.28.190; amending section 80.28.210, chapter 14, Laws of 1961 as amended by section 2, chapter 210, Laws of 1969 ex. sess. and RCW 80.28.210; amending section 80.28.220, chapter 14, Laws of 1961 and RCW 80.28.220; amending section 2, chapter 201, Laws of 1963 and RCW 80.40.010; amending section 5, chapter 201, Laws of 1963 and RCW 80.40.040; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 7, chapter 33, Laws of 1979 and RCW 80.54.070; amending section 81.04.010, chapter 14, Laws of 1961 and RCW 81.04.010; amending section 81.08.010, chapter 14, Laws of 1961 as amended by section 3, chapter 105, Laws of 1965 ex. sess. and RCW 81.08.010; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08-.105; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010; amending section 81.16.010, chapter 14, Laws of 1961 as amended by section 5, chapter 210, Laws of 1969 ex. sess. and RCW 81.16.010; amending section 81.20.010, chapter 14, Laws of 1961 and RCW 81.20.010; amending section 81.40.095, chapter 14, Laws of 1961 and RCW 81.40.095; amending section 81.44.065, chapter 14, Laws of 1961 and RCW 81.44.065; amending section 6, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.096; amending section 10, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.098; amending section 13, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.099; amending section 81.53.010, chapter 14, Laws of 1961 and RCW 81.53.010; amending section 81.53.170, chapter 14, Laws of 1961 as amended by section 145, chapter 81, Laws of 1971 and RCW 81.53.170; amending section 1,

chapter 134, Laws of 1969 and RCW 81.53.261; amending section 4, chapter 134, Laws of 1969 and RCW 81.53.291; amending section 3, chapter 168, Laws of 1977 ex. sess. and RCW 81.53.420; amending section 2, chapter 2, Laws of 1977 ex. sess. and RCW 81.61.020; amending section 3, chapter 150, Laws of 1965 as amended by section 1, chapter 132, Laws of 1969 and RCW 81.70.020; amending section 9, chapter 295, Laws of 1961 as last amended by section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080; amending section 81.80.320, chapter 14, Laws of 1961 as last amended by section 5, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.320; amending section 3, chapter 149, Laws of 1980 and RCW 82.16.055; amending section 82.44.070, chapter 15, Laws of 1961 as last amended by section 234, chapter 158, Laws of 1979 and RCW 82.44.070; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120; amending section 84.12.230, chapter 15, Laws of 1961 as amended by section 161, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.230; amending section 2, chapter 138, Laws of 1923 as last amended by section 2, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.015; amending section 11, page 677, Laws of 1889-90 as last amended by section 3, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.115; amending section 4, chapter 185, Laws of 1979 ex. sess. and RCW 87.03.137; amending section 3, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.190; and amending section 2, chapter 185, Laws of 1973 1st ex. sess. as amended by section 2, chapter 54, Laws of 1977 and RCW 90.62.020.

Referred to Committee on State Government.

SENATE BILL NO. 3899, by Senators Pullen and Haley:

AN ACT Relating to motor vehicle emissions equipment inspections; amending section 4, chapter 163, Laws of 1979 ex. sess. as amended by section 2, chapter 176, Laws of 1980 and RCW 70.120.040; and amending section 16, chapter 163, Laws of 1979 ex. sess. (uncodified).

Referred to Committee on Transportation.

SENATE BILL NO. 3900, by Senator Guess:

AN ACT Relating to injunctions; and adding a new section to chapter 7.40 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3901, by Senators Clarke and Talley:

AN ACT Relating to alcoholic beverages; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 66, Laws of 1974 ex. sess. and RCW 66.24.010; amending section 1, chapter 204, Laws of 1975 1st ex. sess. and RCW 66.44.350; amending section 6, chapter 67, Laws of 1949 as last amended by section 9, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.210; adding new sections to chapter 66.24 RCW; repealing section 12, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.24.510; and providing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3902, by Senators Ridder, Vognild, Jones and Newhouse:

AN ACT Relating to vocational rehabilitation and workers' compensation; amending section 10, chapter 14, Laws of 1980 and RCW 51.32.095; amending section 11, chapter 14, Laws of 1980 and RCW 51.32.110; adding a new chapter to Title 51 RCW; adding new sections to chapter 51.32 RCW; making appropriations; and providing an effective date.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3903, by Senator Newhouse:

AN ACT Relating to the Uniform Commercial Code; and amending section 4-104, chapter 157, Laws of 1965 ex. sess. and RCW 62A.4-104.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3904, by Senators Guess and Quigg:

AN ACT Relating to workmen's compensation; and amending section 3, chapter 107, Laws of 1961 as last amended by section 15, chapter 111, Laws of 1979 and RCW 51.08.013.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3905, by Senators Guess, Patterson and Quigg:

AN ACT Relating to the state environmental policy act; adding a new section to chapter 43.21C RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3906, by Senators Moore, Wilson and Bauer:

AN ACT Relating to health; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3907, by Senator Fuller:

AN ACT Relating to real estate excise taxation by local governments; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3908, by Senators Charnley, Gould, Talmadge and Goltz:

AN ACT Relating to state government; adding a new section to Title 44 RCW; and adding a new section to chapter 1.08 RCW.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3909, by Senator Charnley:

AN ACT Relating to county home rule; and creating new sections.

Referred to Committee on Local Government.

SENATE BILL NO. 3910, by Senators Patterson, Goltz and Bauer:

AN ACT Relating to higher education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3911, by Senators Fuller, Woody and Metcalf:

AN ACT Relating to voter registration lists; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 1, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.100; amending section 3, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.110; amending section 2, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.150; amending section 29.07.070, chapter 9, Laws of 1965 as last amended by section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; amending section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; adding a new section to chapter 29.04 RCW; and creating a new section.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3912, by Senators Gaspard, McDermott and Talmadge:

AN ACT Relating to the handicapped and the education thereof; amending section 1, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.005; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; amending section 1, chapter 10, Laws of 1972 ex. sess. as amended by section 52, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.13.020; amending section 28A.13.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.030; amending section 28A.13.040, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.040; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.050; amending section 11, chapter 66, Laws of 1971 ex. sess. as amended by section 5,

chapter 87, Laws of 1980 and RCW 28A.41.053; amending section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.772; amending section 8, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.060; amending section 9, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.070; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 3913, by Senators Talmadge, Hemstad and Williams (by Office of Attorney General request):

AN ACT Relating to unfair business practices; and amending section 11, chapter 216, Laws of 1961 as amended by section 4, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.110.

Referred to Judiciary Committee.

SENATE BILL NO. 3914, by Senators Ridder, Williams and Charnley:

AN ACT Relating to pollution control tax credits and exemptions; reenacting and amending section 48, chapter 26, Laws of 1967 ex. sess. as last amended by section 50, chapter 209, Laws of 1979 ex. sess. and RCW 82.03.190; creating a new section; repealing section 1, chapter 139, Laws of 1967 ex. sess., section 1, chapter 175, Laws of 1980 and RCW 82.34.010; repealing section 2, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.020; repealing section 3, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.030; repealing section 4, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.040; repealing section 5, chapter 139, Laws of 1967 ex. sess., section 1, chapter 158, Laws of 1975 1st ex. sess. and RCW 82.34.050; repealing section 6, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.060; repealing section 7, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.070; repealing section 8, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.080; repealing section 9, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.090; repealing section 12, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.900; and decodifying RCW 82.34.100 and 82.34.110.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3915, by Senators Lee, Hurley and Vognild:

AN ACT Relating to the interagency committee for outdoor recreation; amending section 1, chapter 24, Laws of 1979 ex. sess. and RCW 43.99.142; adding a new section to chapter 43.99 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3916, by Senators Quigg and Goltz:

AN ACT Relating to shoreline management; amending section 2, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.020; and amending section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 3, chapter 2, Laws of 1980 and RCW 90.58.030.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 3917, by Senators Talley, Deccio and Bauer:

AN ACT Relating to peace officers; and adding a new section to chapter 4.24 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3918, by Senator Haley:

AN ACT Relating to the state board of education; amending section 28A.04-.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3919, by Senator Craswell:

AN ACT Relating to school facilities; and amending section 28A.47.073, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 154, Laws of 1980 and RCW 28A.47.073.

Referred to Committee on Education.

SENATE BILL NO. 3920, by Senators Wojahn, Fleming and Ridder:

AN ACT Relating to discrimination; adding a new section to chapter 49.60 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3921, by Senators Goltz, Gallagher, Wilson and Sellar:

AN ACT Relating to legislative ethics; amending section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030; amending section 6, chapter 150, Laws of 1967 ex. sess. as last amended by section 1, chapter 165, Laws of 1980 and RCW 44.60.070; and amending section 8, chapter 218, Laws of 1977 ex. sess. as amended by section 2, chapter 165, Laws of 1980 and RCW 44.60.110.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3922, by Senators Hansen and Deccio:

AN ACT Relating to water rights; and amending section 16, chapter 233, Laws of 1967 as amended by section 5, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.160.

Referred to Committee on Agriculture.

SENATE BILL NO. 3923, by Senator Williams:

AN ACT Relating to personnel records; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3924, by Senators Bauer and Zimmerman:

AN ACT Relating to certain regional facilities; providing for the planning, design, construction, furnishing and landscaping of performing and visual arts and conference facilities in Vancouver, Washington; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the acceptance of gifts of real property; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3925, by Senators Wojahn, Clarke, and Bauer (by Department of General Administration request):

AN ACT Relating to financial institutions; and adding a new chapter to Title 30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3926, by Senators Shinpoch, Benitz and Goltz:

AN ACT Relating to community colleges; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 151, Laws of 1979 and RCW 28B.50.090; amending section 6, chapter 14, Laws of 1979 as amended by section 11, chapter 226, Laws of 1979 ex. sess. and RCW 28B.50.140; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3927, by Senators Charnley, Guess and Patterson (by Utilities and Transportation Commission request):

AN ACT Relating to railroad crossing protective devices; amending section 1, chapter 134, Laws of 1969 and RCW 81.53.261; amending section 2, chapter 134,

Laws of 1969 as last amended by section 1, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.271; amending section 3, chapter 134, Laws of 1969 as last amended by section 2, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53.281; and amending section 3, chapter 189, Laws of 1975 1st ex. sess. and RCW 81.53-.295.

Referred to Committee on Transportation.

SENATE BILL NO. 3928, by Senators Clarke and Deccio (by Department of General Administration, Division of Banking request):

AN ACT Relating to industrial loan companies; amending section 3, chapter 172, Laws of 1923 as amended by section 1, chapter 71, Laws of 1929 and RCW 31.04.040; amending section 8, chapter 172, Laws of 1923 as last amended by section 3, chapter 19, Laws of 1941 and RCW 31.04.090; amending section 9, chapter 172, Laws of 1923 as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100; amending section 14, chapter 172, Laws of 1923 and RCW 31.04-.140; amending section 15, chapter 172, Laws of 1923 as amended by section 6, chapter 19, Laws of 1941 and RCW 31.04.150; and amending section 19, chapter 172, Laws of 1923 and RCW 31.04.220.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3929, by Senators Scott and Hansen:

AN ACT Relating to vocational technical institutes; and amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230.

Referred to Committee on Education.

SENATE BILL NO. 3930, by Senators Lee, Scott and Gallagher:

AN ACT Relating to game department property taxes; repealing section 2, chapter 97, Laws of 1965 ex. sess., section 1, chapter 59, Laws of 1977 ex. sess., section 36, chapter 78, Laws of 1980 and RCW 77.12.201; repealing section 3, chapter 97, Laws of 1965 ex. sess., section 37, chapter 78, Laws of 1980 and RCW 77.12.203; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3931, by Senators Gaspard, Hemstad and Shinpoch (by Washington State Deferred Compensation Committee request):

AN ACT Relating to deferred compensation plans; amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 2, chapter 274, Laws of 1975 1st ex. sess. and RCW 41.04.250; amending section 1, chapter 274, Laws of 1975 1st ex. sess. as amended by section 84, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.260; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.030; amending section 1, chapter 80, Laws of 1947 as last amended by section 5, chapter 249, Laws of 1979 ex. sess. and RCW 41.32.010; amending section 1, chapter 274, Laws of 1947 as last amended by section 7, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.010; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3932, by Senator Woody:

AN ACT Relating to elections; amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; and providing an effective date.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 3933, by Senator Conner:

AN ACT Relating to housing for veterans; adding a new chapter to Title 43 RCW; creating new sections; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 3934, by Senator Newhouse:

AN ACT Relating to the state employees' insurance board; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 2, chapter 120, Laws of 1980 and RCW 41.05.025; and amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050. Referred to Committee on Ways and Means.

SENATE BILL NO. 3935, by Senators Williams and Charnley:

AN ACT Relating to water heaters; adding new sections to chapter 19.27 RCW; and creating a new section. Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3936, by Senator McCaslin:

AN ACT Relating to foster care; amending section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15-.020; and adding new sections to chapter 74.15 RCW. Referred to Committee on Social and Health Services.

SENATE BILL NO. 3937, by Senator Vognild:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 249, Laws of 1979 ex. sess. and RCW 41.26.030; creating new sections; adding new sections to chapter 41.26 RCW; making an appropriation; declaring an emergency; and making an effective date. Referred to Committee on Ways and Means.

SENATE BILL NO. 3938, by Senators Gallagher, Goltz and Conner:

AN ACT Relating to public lands and waterways; amending section 105, chapter 255, Laws of 1927 and RCW 79.01.420; amending section 107, chapter 255, Laws of 1927 and RCW 79.01.428; amending section 118, chapter 255, Laws of 1927 as amended by section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472; amending section 126, chapter 255, Laws of 1927 and 79.01.504; amending section 130, chapter 255, Laws of 1927 as last amended by section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; amending section 1, chapter 170, Laws of 1913 as last amended by section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180; amending section 1, chapter 168, Laws of 1913 and RCW 79.16.190; amending section 1, chapter 59, Laws of 1913 (uncodified); adding new sections to chapter 79.01 RCW; repealing section 1, chapter 93, Laws of 1917 and RCW 53.32.010; repealing section 2, chapter 93, Laws of 1917 and RCW 53.32.020; repealing section 3, chapter 93, Laws of 1917, section 3, chapter 72, Laws of 1979 and RCW 53.32.050; repealing section 5, chapter 93, Laws of 1917 and RCW 53.32.060; repealing section 4, chapter 93, Laws of 1917 and RCW 53.32.070; and repealing section 6, chapter 93, Laws of 1917 and RCW 53.32.900. Referred to Committee on Natural Resources.

SENATE BILL NO. 3939, by Senator Scott:

AN ACT Relating to retail sales and use taxation; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 18, chapter 149, Laws of 1967 ex. sess. and RCW 82.08.010; and amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.010. Referred to Committee on Ways and Means.

SENATE BILL NO. 3940, by Senator Williams:

AN ACT Relating to a state design commission; creating new sections; and adding new sections to chapter 43.19 RCW. Referred to Committee on State Government.

SENATE BILL NO. 3941, by Senator Haley:

AN ACT Relating to the utilities and transportation commission.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3942, by Senator Gallagher:

AN ACT Relating to salmon enhancement facilities; and amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3943, by Senators Newhouse and Guess:

AN ACT Relating to energy facilities; amending section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3944, by Senator Guess:

AN ACT Relating to unemployment compensation; and amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3945, by Senators Zimmerman, Bauer, Benitz and Talley:

AN ACT Relating to the establishment of an Oregon-Washington bi-state Columbia River Gorge compact.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3946, by Senator Talley:

AN ACT Relating to the taxation of aircraft fuel; amending section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 229, chapter 158, Laws of 1979 and RCW 82.42.010; amending section 2, chapter 10, Laws of 1967 ex. sess. as amended by section 2, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.020; amending section 3, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.030; amending section 4, chapter 10, Laws of 1967 ex. sess. as amended by section 3, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.040; amending section 7, chapter 10, Laws of 1967 ex. sess. as amended by section 4, chapter 156, Laws of 1971 ex. sess. and RCW 82.42.070; amending section 8, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.080; amending section 9, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.090; amending section 5, chapter 156, Laws of 1971 ex. sess. and RCW 82.42.110; adding a new section to chapter 82.42 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 3947, by Senator Williams:

AN ACT Relating to a state design commission; creating new sections; and adding new sections to chapter 43.19 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3948, by Senator Newhouse:

AN ACT Relating to the state employees' insurance board; amending section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 120, Laws of 1980 and RCW 41.04.230; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 2, chapter 120, Laws of 1980 and RCW 41.05.025; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3949, by Senators Talmadge and Moore:

AN ACT Relating to school directors; amending section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW; and repealing section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050.

Referred to Committee on Education.

SENATE BILL NO. 3950, by Senator Lysen:

AN ACT Relating to education; and amending section 28A.58.530, chapter 223, Laws of 1969 ex. sess. as last amended by section 112, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.530.

Referred to Committee on Education.

SENATE BILL NO. 3951, by Senator Lysen:

AN ACT Relating to school districts; and amending section 10, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 10, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.137.

Referred to Committee on Education.

SENATE BILL NO. 3952, by Senators Hemstad and Gaspard:

AN ACT Relating to retirement; amending section 59, chapter 80, Laws of 1947 as last amended by section 5, chapter 205, Laws of 1979 ex. sess. and RCW 41.32.590; and amending section 39, chapter 274, Laws of 1947 as last amended by section 6, chapter 205, Laws of 1979 ex. sess. and RCW 41.40.380.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3953, by Senators Williams, Hemstad, Kiskaddon, Hayner and Charnley:

AN ACT Relating to rape; and amending section 1, chapter 14, Laws of 1975 1st ex. sess. and RCW 9A.44.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3954, by Senator Williams:

AN ACT Relating to recycling; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3955, by Senator Moore:

AN ACT Relating to commerce, and economic and cultural development; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3956, by Senators Scott and Haley:

AN ACT Relating to alcoholic beverage control; amending section 23-B added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.240; and amending section 24, chapter 62, Laws of 1933 ex. sess. as amended by section 30, chapter 173, Laws of 1965 ex. sess. and RCW 66.24.290.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3957, by Senator Lysen:

AN ACT Relating to energy facilities; amending section 1, chapter 45, Laws of 1970 ex. sess. as amended by section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010; amending section 10, chapter 45, Laws of 1970 ex. sess. as last amended by section 8, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.100; adding new sections to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3958, by Senators Talmadge, Shinpoch and Hemstad:
AN ACT Relating to sexual abuse; and adding a new section to chapter 9A.44
RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3959, by Senator Vognild:
AN ACT Relating to hazardous materials; and adding a new section to chapter
4.24 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3960, by Senators Newhouse and Guess:
AN ACT Relating to energy facilities; amending section 11, chapter 45, Laws
of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex.
sess. and RCW 80.50.110; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3961, by Senators Hansen, Conner, Talley, Newhouse
and Charnley:

AN ACT Relating to port districts; amending section 2, chapter 110, Laws of
1980 and RCW 53.08.290; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 3962, by Senator Lysen:
AN ACT Relating to school buildings; and amending section 28A.58.102,
chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.102.

Referred to Committee on Education.

SENATE BILL NO. 3963, by Senator Lysen:

AN ACT Relating to municipal corporations; and creating a new section.

Referred to Committee on Local Government.

SENATE BILL NO. 3964, by Senator Wojahn:
AN ACT Relating to unfair business practices; and amending section 9, chap-
ter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess.
and RCW 19.86.090.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 3965, by Senators Gallagher and Haley:

AN ACT Relating to the department of fisheries; amending section 4, chapter
35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and
RCW 75.16.120; amending section 75.12.130, chapter 12, Laws of 1955 as last
amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130; and add-
ing a new section to chapter 75.16 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3966, by Senators Lysen and Bauer:

AN ACT Relating to higher education; and amending section 28B.10.050,
chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 169, Laws of
1977 ex. sess. and RCW 28B.10.050.

Referred to Committee on Higher Education.

SENATE BILL NO. 3967, by Senators Bottiger and Gaspard:

AN ACT Relating to state institutions; amending section 1, chapter 108, Laws
of 1979 ex. sess. and RCW 72.72.010; amending section 2, chapter 108, Laws of
1979 ex. sess. and RCW 72.72.020; and amending section 3, chapter 108, Laws of
1979 ex. sess. and RCW 72.72.030.

Referred to Committee on Local Government.

SENATE BILL NO. 3968, by Senators Zimmerman, Bauer, Benitz and Talley:

AN ACT Relating to the establishment of a tri-level Columbia River Gorge agreement.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3969, by Senators Zimmerman, Bauer, Benitz and Talley:

AN ACT Relating to the Columbia River Gorge commission.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3970, by Senators Zimmerman and Quigg:

AN ACT Relating to the assistance of domestic log manufacturing; adding new sections to chapter 79.01 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3971, by Senators Charnley and Ridder:

AN ACT Enacting the Washington Franchise Privilege Fee and Compensating Tax Code; adding a new section to chapter 82.04 RCW; adding a new title to the Revised Code of Washington to be designated Title 82A; creating new sections; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3972, by Senators Williams, Gould, McDermott, Ridder, Bottiger, Lysen, Talmadge, Moore, Charnley and Hurlley:

AN ACT Relating to joint operating agencies; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3973, by Senator Clarke:

AN ACT Relating to interest rates on life insurance policy loans; adding new sections to chapter 48.23 RCW; and creating new sections.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3974, by Senators Scott and Haley:

AN ACT Relating to fire fighters' and law enforcement officers' retirement; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200; amending section 19, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.220; amending section 11, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.090; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3975, by Senators Newhouse and Bottiger:

AN ACT Relating to review of energy facilities certification decisions; amending section 15, chapter 234, Laws of 1959 as last amended by section 90, chapter 158, Laws of 1979 and RCW 34.04.150; amending section 14, chapter 45, Laws of 1970 ex. sess. as amended by section 11, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.140; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3976, by Senators Charnley, Zimmerman and Sellar:

AN ACT Relating to water transportation; adding a new chapter to Title 88 RCW; prescribing penalties; making an appropriation; declaring an emergency; and providing effective dates.

Referred to Committee on Transportation.

SENATE BILL NO. 3977, by Senator Gallagher:

AN ACT Relating to commercial salmon fishing licenses; and amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3978, by Senators Peterson, Talley and Gallagher:

AN ACT Relating to salmon, steelhead, and game fish enhancement projects; providing for the financing thereof by the issuance of bonds; creating new sections; and providing for a submission of this act to a vote of the people.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3979, by Senators Williams, Metcalf, Bauer, Moore and Charnley:

AN ACT Relating to age qualifications for certain purposes; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3980, by Senator Benitz:

AN ACT Relating to Energy Fair '83.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3981, by Senator McCaslin:

AN ACT Relating to property taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3982, by Senator Craswell:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3983, by Senator Craswell:

AN ACT Relating to school district special levies.

Referred to Committee on Education.

SENATE BILL NO. 3984, by Senator Craswell:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3985, by Senators Gould and Bottiger:

AN ACT Relating to legislative inquiry.

Referred to Judiciary Committee.

SENATE BILL NO. 3986, by Senator Craswell:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3987, by Senators Hayner and Craswell:

AN ACT Relating to school district special levies.

Referred to Committee on Education.

SENATE BILL NO. 3988, by Senator Craswell:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3989, by Senators Lee and Fuller:
AN ACT Relating to education.
Referred to Committee on Education.

SENATE BILL NO. 3990, by Senator Bluechel:
AN ACT Relating to financial institutions.
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL BILL NO. 3991, by Senator Bluechel:
AN ACT Relating to insurance.
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3992, by Senator Bluechel:
AN ACT Relating to education.
Referred to Committee on Education.

SENATE BILL NO. 3993, by Senator Guess:
AN ACT Relating to the international registration plan.
Referred to Committee on Transportation.

SENATE BILL NO. 3994, by Senator Guess:
AN ACT Relating to highway aggregate paving.
Referred to Committee on Transportation.

SENATE BILL NO. 3995, by Senator Guess:
AN ACT Relating to agricultural lands.
Referred to Committee on Agriculture.

SENATE BILL NO. 3996, by Senator Scott:
AN ACT Relating to surplus school property.
Referred to Committee on Education.

SENATE BILL NO. 3997, by Senator Guess:
AN ACT Relating to the Washington state patrol weight control division.
Referred to Committee on Transportation.

SENATE BILL NO. 3998, by Senator Gallagher:
AN ACT Relating to the department of fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3999, by Senator Gallagher:
AN ACT Relating to state government.
Referred to Committee on State Government.

SENATE BILL NO. 4000, by Senator Gallagher:
AN ACT Relating to commercial salmon fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4001, by Senator Gould:
AN ACT Relating to school district ASB funds.
Referred to Committee on Education.

SENATE BILL NO. 4002, by Senator Haley:
AN ACT Relating to health care benefits.
Referred to Committee on State Government.

SENATE BILL NO. 4003, by Senator Haley:
AN ACT Relating to the teacher competency exam.
Referred to Committee on Education.

SENATE BILL NO. 4004, by Senator Haley:
AN ACT Relating to firearms.
Referred to Judiciary Committee.

SENATE BILL NO. 4005, by Senator Gould:

AN ACT Relating to the school district permanent insurance fund.
Referred to Committee on Education.

SENATE BILL NO. 4006, by Senator Gould:

AN ACT Relating to the school district permanent insurance fund.
Referred to Committee on Education.

SENATE BILL NO. 4007, by Senator Scott:

AN ACT Relating to property taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4008, by Senator Kiskaddon:

AN ACT Relating to developmental disabilities.
Referred to Committee on Education.

SENATE BILL NO. 4009, by Senator Zimmerman:

AN ACT Relating to the motor vehicle excise tax on noncommercial vehicles.
Referred to Committee on Transportation.

SENATE BILL NO. 4010, by Senator Zimmerman:

AN ACT Relating to chance brokers.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4011, by Senator Zimmerman:

AN ACT Relating to certification of county comprehensive plans.
Referred to Committee on Local Government.

SENATE BILL NO. 4012, by Senator Zimmerman:

AN ACT Relating to zoning.
Referred to Committee on Local Government.

SENATE BILL NO. 4013, by Senator Haley:

AN ACT Relating to the teacher competency exam.
Referred to Committee on Education.

SENATE BILL NO. 4014, by Senators Ridder and Charnley:

AN ACT Relating to port districts; adding new sections to chapter 53.08
RCW; and declaring an emergency.
Referred to Committee on Local Government.

SENATE BILL NO. 4015, by Senator Wojahn:

AN ACT Relating to justice courts; amending section 110, chapter 299, Laws
of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62-
.060; and amending section 3, chapter 187, Laws of 1919 as last amended by section
11, chapter 162, Laws of 1980 and RCW 12.40.030.

Referred to Judiciary Committee.

SENATE BILL NO. 4016, by Senator Hansen:

AN ACT Relating to the creation of a department of water resources; amend-
ing section 2, chapter 242, Laws of 1967 and RCW 43.27A.020; amending section
10, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.075; amending section 8,
chapter 242, Laws of 1967 and RCW 43.27A.080; amending section 9, chapter 242,
Laws of 1967 and RCW 43.27A.090; amending section 1, chapter 10, Laws of 1979
and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 and RCW
43.17.020; amending section 2, chapter 62, Laws of 1970 ex. sess. and RCW
43.21A.020; amending section 6, chapter 62, Laws of 1970 ex. sess. and RCW
43.21A.060; amending section 17, chapter 62, Laws of 1970 ex. sess. as amended by
section 68, chapter 141, Laws of 1979 and RCW 43.21A.170; amending section 19,
chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.190; amending section 4,
chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.040; amending section 3,

chapter 295, Laws of 1975 1st ex. sess. as last amended by section 11, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.210; amending section 5, chapter 295, Laws of 1975 1st ex. sess. and RCW 43.83B.220; amending section 14, chapter 295, Laws of 1975 1st ex. sess. and RCW 43.83B.230; amending section 1, chapter 1, Laws of 1977 ex. sess. as amended by section 1, chapter 263, Laws of 1979 ex. sess. and RCW 43.83B.300; amending section 7, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.330; amending section 8, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.335; amending section 10, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.345; amending section 14, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.365; amending section 4, chapter 104, Laws of 1959 as amended by section 3, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.040; amending section 1, chapter 181, Laws of 1967 as amended by section 4, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.045; amending section 5, chapter 158, Laws of 1919 as last amended by section 93, chapter 75, Laws of 1977 and RCW 89.16.050; amending section 6, chapter 158, Laws of 1919 as amended by section 6, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.060; amending section 8, chapter 158, Laws of 1919 as amended by section 7, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.080; amending section 8, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.005; amending section 3, chapter 117, Laws of 1917 and RCW 90.03.030; amending section 9, chapter 117, Laws of 1917 as last amended by section 1, chapter 80, Laws of 1967 and RCW 90.03.060; amending section 10, chapter 117, Laws of 1917 as amended by section 2, chapter 80, Laws of 1967 and RCW 90.03.070; amending section 11, chapter 117, Laws of 1917 as amended by section 1, chapter 71, Laws of 1919 and RCW 90.03.080; amending section 13, chapter 117, Laws of 1917 and RCW 90.03.100; amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110; amending section 15, chapter 117, Laws of 1917 as amended by section 1, chapter 357, Laws of 1977 ex. sess. and RCW 90.03.120; amending section 16, chapter 117, Laws of 1917 as last amended by section 2, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.130; amending section 17, chapter 117, Laws of 1917 as amended by section 2, chapter 122, Laws of 1929 and RCW 90.03.140; amending section 19, chapter 117, Laws of 1917 and RCW 90.03.160; amending section 20, chapter 117, Laws of 1917 and RCW 90.03.170; amending section 21, chapter 117, Laws of 1917 as last amended by section 3, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.180; amending section 22, chapter 117, Laws of 1917 and RCW 90.03.190; amending section 23, chapter 117, Laws of 1917 as amended by section 176, chapter 81, Laws of 1971 and RCW 90.03.200; amending section 1, chapter 103, Laws of 1921 and RCW 90.03.210; amending section 25, chapter 117, Laws of 1917 and RCW 90.03.230; amending section 26, chapter 117, Laws of 1917 and RCW 90.03.240; amending section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247; amending section 27, chapter 117, Laws of 1917 and RCW 90.03.250; amending section 28, chapter 117, Laws of 1917 and RCW 90.03.260; amending section 29, chapter 117, Laws of 1917 and RCW 90.03.270; amending section 30, chapter 117, Laws of 1917 as last amended by section 1, chapter 275, Laws of 1953 and RCW 90.03.280; amending section 31, chapter 117, Laws of 1917 as last amended by section 1, chapter 133, Laws of 1947 and RCW 90.03.290; amending section 3, chapter 103, Laws of 1921 and RCW 90.03.300; amending section 32, chapter 117, Laws of 1917 and RCW 90.03.310; amending section 33, chapter 117, Laws of 1917 and RCW 90.03.320; amending section 34, chapter 117, Laws of 1917 as amended by section 5, chapter 122, Laws of 1929 and RCW 90.03.330; amending section 35, chapter 117, Laws of 1917 and RCW 90.03.340; amending section 7, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.345; amending section 36, chapter 117, Laws of 1917 as last amended by section 1, chapter 362, Laws of 1955 and RCW 90.03.350; amending section 37, chapter 117, Laws of 1917 and RCW 90.03.360; amending section 38,

chapter 117, Laws of 1917 and RCW 90.03.370; amending section 39, chapter 117, Laws of 1917 as amended by section 6, chapter 122, Laws of 1929 and RCW 90.03.380; amending section 7, chapter 122, Laws of 1929 and RCW 90.03.390; amending section 3, chapter 71, Laws of 1919 and RCW 90.03.430; amending section 4, chapter 71, Laws of 1919 and RCW 90.03.440; amending section 44, chapter 117, Laws of 1917 as last amended by section 1, chapter 160, Laws of 1965 ex. sess. and RCW 90.03.470; amending section 1, chapter 162, Laws of 1925 ex. sess. as amended by section 1, chapter 22, Laws of 1977 and RCW 90.08.040; amending section 13, chapter 233, Laws of 1967 and RCW 90.14.130; amending section 15, chapter 233, Laws of 1967 and RCW 90.14.150; amending section 16, chapter 233, Laws of 1967 as amended by section 5, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.160; amending section 18, chapter 233, Laws of 1967 and RCW 90.14.180; amending section 19, chapter 233, Laws of 1967 and RCW 90.14.190; amending section 20, chapter 233, Laws of 1967 as amended by section 6, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.200; amending section 23, chapter 233, Laws of 1967 and RCW 90.14.230; amending section 2, chapter 107, Laws of 1939 as amended by section 1, chapter 258, Laws of 1959 and RCW 90.24.010; amending section 4, chapter 107, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1963 and RCW 90.24.030; amending section 5, chapter 107, Laws of 1939 as amended by section 3, chapter 258, Laws of 1959 and RCW 90.24.040; amending section 6, chapter 107, Laws of 1939 and RCW 90.24.050; amending section 7, chapter 107, Laws of 1939 and RCW 90.24.060; amending section 5, chapter 263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW 90.44.050; amending section 6, chapter 263, Laws of 1945 and RCW 90.44.060; amending section 7, chapter 263, Laws of 1945 and RCW 90.44.070; amending section 8, chapter 263, Laws of 1945 and RCW 90.44.080; amending section 9, chapter 263, Laws of 1945 as amended by section 2, chapter 122, Laws of 1947 and RCW 90.44.090; amending section 10, chapter 263, Laws of 1945 and RCW 90.44.100; amending section 11, chapter 263, Laws of 1945 as amended by section 1, chapter 63, Laws of 1949 and RCW 90.44.110; amending section 3, chapter 122, Laws of 1947 as amended by section 2, chapter 63, Laws of 1949 and RCW 90.44.120; amending section 12, chapter 263, Laws of 1945 as amended by section 4, chapter 122, Laws of 1947 and RCW 90.44.130; amending section 13, chapter 263, Laws of 1945 and RCW 90.44.180; amending section 15, chapter 263, Laws of 1945 and RCW 90.44.200; amending section 16, chapter 263, Laws of 1945 and RCW 90.44.215; amending section 17, chapter 263, Laws of 1945 and RCW 90.44.220; amending section 18, chapter 263, Laws of 1945 and RCW 90.44.230; amending section 19, chapter 263, Laws of 1945 and RCW 90.44.250; amending section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.010; amending section 10, chapter 225, Laws of 1971 ex. sess. as amended by section 95, chapter 75, Laws of 1977 and RCW 90.54.090; amending section 11, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.100; amending section 12, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.110; amending section 13, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.120; amending section 9, chapter 216, Laws of 1979 ex. sess. and RCW 90.54.150; amending section 9, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.900; amending section 4, chapter 3, Laws of 1979 and RCW 90.66.040; adding new sections to chapter 43.27A RCW; creating new sections; repealing section 43.21.130, chapter 8, Laws of 1965, section 46, chapter 75, Laws of 1977 and RCW 43.21.130; decodifying RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.340, and 90.14.043; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 4017, by Senators McDermott, Scott and Fleming:

AN ACT Relating to a state convention and trade center; adding a new chapter to Title 67 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4018, by Senator Charnley:

AN ACT Relating to local government; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4019, by Senators Charnley and Ridder:

AN ACT Relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 324, Laws of 1977 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 79, chapter 37, Laws of 1980 and RCW 82.12.020; adding a new title to the Revised Code of Washington; creating new sections; making an appropriation; and providing for a referendum.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4020, by Senator Metcalf:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 4021, by Senator Haley:

AN ACT Relating to motor vehicle insurance; adding a new section to chapter 46.16 RCW; adding new sections to chapter 48.22 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT MEMORIAL NO. 107, by Senators Fuller, Hemstad and Metcalf:

Memorializing Congress to enact a youth minimum wage.

Referred to Committee on Commerce and Labor.

SENATE JOINT MEMORIAL NO. 108, by Senators Wojahn and Ridder:

Opposing federal preemption of interest rates.

Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT MEMORIAL NO. 109, by Senator Wojahn:

Encouraging fiscal restraint.

Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT RESOLUTION NO. 120, by Senator Charnley:

Providing additional methods of adopting a home rule charter.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 121, by Senators Woody, Metcalf and Fuller:

Amending the Constitution to require earlier filing of initiatives to the legislature.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 122, by Senators Woody, Metcalf and Fuller:

Amending the Constitution to standardize the time for filing initiative petitions.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 123, by Senators Charnley, Gould and Talmadge:

Amending the Constitution to establish a unicameral legislature.

Referred to Committee on Constitutions and Elections.

SENATE CONCURRENT RESOLUTION NO. 108, by Senator McDermott:

Imposing moratorium on construction of Nuclear Plants 4 and 5.
Referred to Committee on Energy and Utilities.

FIRST READING OF HOUSE BILLS

ENGROSSED SUBSTITUTE HOUSE BILL NO. 11, by Committee on State Government (originally sponsored by Representatives Flanagan, Greengo, Smith and Teutsch):

Requiring information on bond measures to be disclosed in the voters' pamphlet.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 43, by Committee on State Government (originally sponsored by Representatives Tilly, Patrick, Teutsch, Dawson, Berleen, Fiske and Maxie):

Allowing voters confined to a hospital on election day to apply for and vote an absentee ballot.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 58, by Committee on Local Government (originally sponsored by Representatives Owen, Nisbet, Brown, Berleen, Granlund, Hine and Garson):

Requiring only one copy of certain codes to be filed with local governments.

Referred to Committee on Local Government.

HOUSE BILL NO. 86, by Representatives Garrett, Wilson and Stratton:

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, by Committee on Education (originally sponsored by Representatives McDonald, Taylor, Chandler, Bond, Flanagan, Barr, Smith, Wilson, McGinnis, Struthers, Lundquist and Amen):

Implementing law relating to payment of school district personnel.

Referred to Committee on Education.

HOUSE BILL NO. 181, by Representatives Smith and Flanagan:

Authorizing agreements between irrigation districts.

Referred to Committee on Agriculture.

HOUSE BILL NO. 186, by Committee on Education and Representative Taylor (by Superintendent of Public Instruction request):

Implementing the law relating to elections to state board of education.

Referred to Committee on Education.

HOUSE BILL NO. 190, by Committee on Local Government and Representative Isaacson (by State Auditors Office request):

Authorizing the state auditor to define accounting terms for certain city budgets.

Referred to Committee on Local Government.

HOUSE BILL NO. 198, by Representatives Amen and Smith:

Implementing law relating to payment of bonds on U. S. contract payments of certain irrigation districts.

Referred to Committee on Agriculture.

MOTIONS

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 3447.

On motion of Senator Lee, Senate Bill No. 3447 was rereferred to the Committee on Natural Resources.

On motion of Senator Clarke, Engrossed Substitute House Bill No. 166 was referred to the Committee on Education.

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

MOTION

Senator Hayner: "Mr. President, I move that the standing committees shown in Rule 43 of the Washington State Senate Rules be vacated and that Senate floor resolution 1981-17 be adopted."

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1981-17

By Senators Hayner and Jones:

BE IT RESOLVED, That Senate Rule 43 be amended to read as follows:

Rule 43. The President shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: PROVIDED, HOWEVER, That the appointment of the said conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any such conference, special, joint or standing committee or committees, such committee or committees shall be forthwith elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	6
2. Commerce and Labor	7
3. Constitutions and Elections	7
4. Education	((7)) 9
5. Energy and Utilities	((+3)) 11
6. Financial Institutions and Insurance	((7)) 9
7. Higher Education	((7)) 9
8. Judiciary	((+1)) 9
9. Local Government	9
10. Natural Resources	((+2)) 9
11. Parks and Ecology	((+3)) 11
12. Rules	15
13. Social and Health Services	((7)) 9
14. State Government	((7)) 11
15. Transportation	15
16. Ways and Means	((+1)) 17

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, we have on our desk, a list of the committees which I would presume that you would want to appoint at this time."

COMMITTEE ASSIGNMENTS

President Cherberg: "The President respectfully suggests the appointment of the members as designated on the sheet headed 'Senate standing committee assignments, February 16, 1981.' The Secretary will please read."

Senator Hayner: "Last line."

Secretary Snyder: "Zimmerman."

Senator Hayner: "Mr. President, I move the confirmation by the Senate, pursuant to Rule 43, of the appointments."

STANDING COMMITTEE ASSIGNMENTS

AGRICULTURE—(6). 3 Republicans: Bob McCaslin, Chairman; Max Benitz, John Jones. 3 Democrats: Marcus Gaspard, Frank "Tub" Hansen, Bruce Wilson.

COMMERCE AND LABOR—(7). 4 Republicans: J.T. Quigg, Chairman; John Jones, Irv Newhouse, George Sellar. 3 Democrats: Margaret Hurley, Larry Vognild, Al Williams.

CONSTITUTIONS AND ELECTIONS—(7). 4 Republicans: Kent Pullen, Chairman; George Clarke, Sue Gould, Jack Metcalf. 3 Democrats: Paul Conner, Ruthe Ridder, Dianne Woody.

EDUCATION—(9). 5 Republicans: Bill Kiskaddon, Chairman; Ellen Craswell, Dick Hemstad, Eleanor Lee, George Scott. 4 Democrats: R. Ted Bottiger, Marcus Gaspard, Phil Talmadge, Lorraine Wojahn.

ENERGY AND UTILITIES—(11). 6 Republicans: Sue Gould, Chairman; Bob McCaslin, Vice Chairman; Bill Fuller, Dick Hemstad, Irv Newhouse, J.T. Quigg. 5 Democrats: Margaret Hurley, Ray Moore, Al Williams, Bruce Wilson, Dianne Woody.

FINANCIAL INSTITUTIONS AND INSURANCE—(9). 5 Republicans: George Sellar, Chairman; Alan Bluechel, George Clarke, Ted Haley, Kent Pullen. 4 Democrats: Al Bauer, R. Ted Bottiger, King Lysen, Lorraine Wojahn.

HIGHER EDUCATION—(9). 5 Republicans: Max Benitz, Chairman; Sam Guess, Pat Patterson, George Scott, Peter von Reichbauer. 4 Democrats: Donn Charnley, H.A. "Barney" Goltz, James McDermott, A.N. "Bud" Shinpoch.

JUDICIARY—(9). 5 Republicans: George Clarke, Chairman; Dick Hemstad, Vice Chairman; Jeannette Hayner, Irv Newhouse, Kent Pullen. 4 Democrats: Jerry Hughes, A.N. "Bud" Shinpoch, Phil Talmadge, Dianne Woody.

LOCAL GOVERNMENT—(9). 5 Republicans: Hal Zimmerman, Chairman; Bill Fuller, Sue Gould, Eleanor Lee, Bob McCaslin. 4 Democrats: Al Bauer, Donn Charnley, Don Talley, Bruce Wilson.

NATURAL RESOURCES—(9). 5 Republicans: Art Gallagher, Chairman; Eleanor Lee, Pat Patterson, Peter von Reichbauer, Hal Zimmerman. 4 Democrats: King Lysen, Lowell Peterson, A.L. "Slim" Rasmussen, Larry Vognild.

PARKS AND ECOLOGY—(11). 6 Republicans: Bill Fuller, Chairman; Alan Bluechel, Sam Guess, Ted Haley, J.T. Quigg, Hal Zimmerman. 5 Democrats: H.A. "Barney" Goltz, Frank "Tub" Hansen, Jerry Hughes, Margaret Hurley, Al Williams.

RULES—(15). 9 Republicans: Jeannette Hayner, Alan Bluechel, Sam Guess, Ted Haley, Dick Hemstad, John Jones, Eleanor Lee, Irv Newhouse, Pat Patterson. 6 Democrats: R. Ted Bottiger, George Fleming, H.A. "Barney" Goltz, Lowell Peterson, A.N. "Bud" Shinpoch, Don Talley.

SOCIAL AND HEALTH SERVICES—(9). 5 Republicans: Alex Deccio, Chairman; Ellen Craswell, Bill Kiskaddon, Bob McCaslin, Jack Metcalf. 4 Democrats: Ray Moore, A.L. "Slim" Rasmussen, Ruthe Ridder, Phil Talmadge.

STATE GOVERNMENT—(11). 6 Republicans: Jack Metcalf, Chairman; Max Benitz, Alex Deccio, Art Gallagher, J.T. Quigg, George Sellar. 5 Democrats: Paul Conner, George Fleming, James McDermott, Ray Moore, A.L. "Slim" Rasmussen.

TRANSPORTATION—(15). 8 Republicans: Peter von Reichbauer, Chairman; E. G. "Pat" Patterson, Vice Chairman; George Sellar, Vice Chairman; Max Benitz, Art Gallagher, Sam Guess, Bill Kiskaddon, Jack Metcalf. 7 Democrats: Donn Charnley, Paul Conner, Frank "Tub" Hansen, King Lysen, Lowell Peterson, Don Talley, Larry Vognild.

WAYS AND MEANS—(17). 10 Republicans: George Scott, Chairman; Ellen Craswell, Vice Chairman; Alan Bluechel, Alex Deccio, Ted Haley, Jeannette Hayner, John Jones, Eleanor Lee, Kent Pullen, Hal Zimmerman. 7 Democrats: Al Bauer, George Fleming, Marcus Gaspard, Jerry Hughes, James McDermott, Ruthe Ridder, Lorraine Wojahn.

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, we notice under the rules committee that there is no chairman designated. What will be your position as to the chairman of the rules committee?"

Senator Hayner: "Our position is that Lieutenant Governor Cherberg will continue as chairman of that committee."

The motion by Senator Hayner carried and the appointees were confirmed.

MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of the supplemental calendar bills.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 207, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Providing for the prepayment of insurance premiums taxes.

The bill was read the second time by sections.

Senator Craswell moved adoption of the following amendment:

On page 2, line 8, after "premiums" strike all material down to and including "delinquency" on line 10, and insert "((for more than thirty days after date due shall be liable to a penalty of twenty-five dollars for each additional day of delinquency by the last day of the month in which the tax becomes due shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not paid within forty-five days after the due date, the insurer shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not paid within sixty days of the due date, the insurer shall be assessed a total penalty of twenty percent of the amount of the tax))"

POINT OF INQUIRY

Senator Bottiger: "Senator Craswell, I was just wondering why we didn't put something in like the floating discount rate, or whatever the Fed goes up or down, or something, instead of 5%, that seems awful small for a penalty."

Senator Craswell: "Senator Bottiger, I am not really sure why this level was suggested; but this was the level that was in the bill that was heard before the Senate ways and means committee."

"Nobody from the insurance company came to argue about it so I assumed it was quite acceptable; and having come on board rather late in this position, I decided that this was probably the proper place to go."

The motion by Senator Craswell carried and the amendment was adopted.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 207, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 207, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, von Reichbauer, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Conner, Gaspard, Hughes, Hurley, Peterson, Rasmussen, Shinpoch, Talley, Talmadge, Williams, Wojahn—12.

Excused: Senators Vognild, Wilson—2.

SUBSTITUTE HOUSE BILL NO. 207, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 208, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions on excise tax collections.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and McDermott:

On page 3, line 13, strike all of section 3.

Renumber the remaining sections.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Quigg, do you know what the benefits to the Boeing company is on this amendment?"

Senator Quigg: "Senator Bottiger, I suspect that the benefit to the Boeing company on this amendment would be nominal compared to the cost of the annual percentage rate penalty that you proposed on the earlier amendment that amounts to a 240% annual interest rate."

Senator Bottiger: "Senator Quigg, you are now talking about airplanes and insurance companies. The last bill dealt with insurance companies. This bill deals with sales and use tax credits. The 'Mom and Pop' store will get four dollars a year credit."

"My question is, do you know what Weyerhaeuser and Boeing will get?"

Senator Quigg: "Senator Bottiger, I am sure that they would be turning that money over in this economy as would the 'Mom and Pop' store. I do not begrudge the 'Mom and Pop' store the four dollars and if the Boeing company were to move away, I am sure we would find that to be an awful encumbrance on our economy around here as well."

"The fact is that we have a matter here that is just simply going to get out of hand if we have people putting up 240% annual interest rate burdens on the small taxpayer around here. I think that it is one thing that we should realize."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Bottiger and McDermott to page 3, line 13.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Vognild, Wilson—2.

MOTION

Senator Scott moved the rules be suspended, Substitute House Bill No. 208, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

There being no objection, on motion of Senator Scott, the motion was withdrawn.

Substitute House Bill No. 208 was passed to third reading.

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

MESSAGE FROM THE HOUSE

February 17, 1981.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 209, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SECOND SUBSTITUTE HOUSE BILL NO. 209.

POINT OF INQUIRY

Senator Talley: "Senator Gallagher, is Senator von Reichbauer a new Senator?"

Senator Gallagher: "Well, in answer to that, we have been discussing that, where he belongs in seniority and we have not decided that, that I am aware of. That is a new thing and we have not made that decision yet."

MOTION

At 2:40 p.m., on motion of Senator Hayner, the Senate adjourned until 10:00 a.m., Wednesday, February 18, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 18, 1981.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Vognild. On motion of Senator Ridder, Senator Vognild was excused.

The Color Guard, consisting of Pages Sean Proudach and Brian Flatt, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Hayner: "In view of the fact that you, President Cherberg, have placed on our desk a certain statement, I wanted to make it clear that, I thought that in answering Senator Bottiger we had provided the necessary mechanism to make you the chairman of our rules committee, and we would like to, we would be very pleased and honored if you would take that; we were just not aware that it needed to be confirmed at that time; and if you would give us the right signal at the right time, we would like to do that."

President Cherberg: "Thank you, Senator Hayner."

REPORTS OF STANDING COMMITTEES

February 12, 1981.

SENATE BILL NO. 3034, pertaining to disability and death benefits for volunteer firemen (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3034 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Charnley, Fuller, Gould, Hansen, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3128, modifying provisions on special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3128 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Charnley, Fuller, Gould, Hansen, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1981.

SENATE BILL NO. 3187, specifying the manner of service for writs of garnishment and changing the fees collected for various services performed by sheriffs and their deputies (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3187 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Charnley, Fuller, Gould, Hansen, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1981.

SENATE BILL NO. 3249, revising the Public Disclosure Law (reported by Committee on Constitutions and Elections):

Recommendation: That Substitute Senate Bill No. 3249 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Fuller, Gould, Metcalf, Moore, Peterson, Ridder.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 17, 1981.

Mr. President: The House concurred in the February 13, 1981, Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4022, by Senators Bluechel and Scott:

AN ACT Relating to Saint Edwards Seminary; creating a new section; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4023, by Senators Hayner, Clarke, Moore, Fleming, Jones and Deccio (by Governor Spellman request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of certain jail buildings and facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 4024, by Senators Quigg, Deccio and Metcalf:

AN ACT Relating to public buildings; repealing section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; repealing section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200; repealing section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455; and repealing section 4, chapter 176, Laws of 1974 ex. sess., section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4025, by Senators Jones and Fleming:

AN ACT Relating to waterways; and creating new sections.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4026, by Senator Bluechel:

AN ACT Relating to personal service contracts; and amending section 2, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.006.

Referred to Committee on State Government.

SENATE BILL NO. 4027, by Senators Quigg, Peterson and Gallagher:

AN ACT Relating to deckhands of salmon charter boats; amending section 75.04.070, chapter 12, Laws of 1955 and RCW 75.04.070; adding a new section to chapter 75.12 RCW; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4028, by Senator Bluechel:

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Education.

SENATE BILL NO. 4029, by Senator Metcalf:

AN ACT Relating to maritime transportation; amending section 2, chapter 15, Laws of 1973 1st ex. sess. and RCW 43.79A.020; amending section 1, chapter 80, Laws of 1969 ex. sess. and RCW 43.80.100; amending section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405; amending section 2, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.021; amending section 1, chapter 65, Laws of 1975-'76 2nd ex. sess. and RCW 47.04.140; amending section 1, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.023; amending section 2, chapter 103, Laws of 1977 ex. sess. and RCW 47.12.026; amending section 47.28.090, chapter 13, Laws of 1961 as amended by section 2, chapter 21, Laws of 1971 ex. sess. and RCW 47.28.090; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 66, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.030; amending section 9, chapter 278, Laws of 1961 and RCW 47.56.032; amending section 47.56.050, chapter 13, Laws of 1961 as amended by section 25, chapter 106, Laws of 1973 and RCW 47.56.050; amending section 47.60.010, chapter 13, Laws of 1961 and RCW 47.60.010; amending section 47.60.015, chapter 13, Laws of 1961 and RCW 47.60.015; amending section 47.60.040, chapter 13, Laws of 1961 and RCW 47.60.040; amending section 47.60.113, chapter 13, Laws of 1961 and RCW 47.60.113; amending section 47.60.122, chapter 13, Laws of 1961 and RCW 47.60.122; amending section 47.60.130, chapter 13, Laws of 1961 as last amended by section 6, chapter 189, Laws of 1979 ex. sess. and RCW 47.60.130; amending section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140; amending section 47.60.160, chapter 13, Laws of 1961 and RCW 47.60.160; amending section 1, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.282; amending section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; amending section 18, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.350; amending section 20, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.370; amending section 22, chapter 7, Laws of 1961 ex. sess. and RCW 47.60.390; amending section 1, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.400; amending section 9, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.470; amending section 1, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.500; amending section 1, chapter 27, Laws of 1979 and RCW 47.60.502; amending section 2, chapter 27, Laws of 1979 and RCW 47.60.503; amending section 2, chapter 85, Laws of 1970 ex. sess. as last amended by section 3, chapter 27, Laws of 1979 and RCW 47.60.505; amending section 4, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.540; amending section 8, chapter 27, Laws of 1979 and RCW 47.60.544; amending section 1, chapter 69, Laws of 1975-'76 2nd ex. sess. and RCW 47.60.550; amending section 1, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.560; amending section 6, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.610; amending section 2, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.660; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; amending section 47.64.040, chapter 13, Laws of 1961 as last amended by section 1, chapter 73, Laws of 1979 ex. sess. and RCW 47.64.040; amending section 47.64.080, chapter 13, Laws of 1961 and RCW

47.64.080; amending section 47.65.060, chapter 13, Laws of 1961 and RCW 47.65-.060; amending section 47.65.080, chapter 13, Laws of 1961 and RCW 47.65.080; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 69, Laws of 1977 ex. sess. and RCW 49.46.010; amending section 18, chapter 236, Laws of 1959 and RCW 53.34.180; reenacting and amending section 1, chapter 166, Laws of 1921 as last amended by section 5, chapter 166, Laws of 1977 ex. sess. and by section 1, chapter 205, Laws of 1977 ex. sess. and RCW 60.28.010; creating a new chapter in Title 47 RCW; repealing section 47.56.010, chapter 13, Laws of 1961 and RCW 47.56.010; repealing section 47.56.040, chapter 13, Laws of 1961 and RCW 47.56.040; repealing section 47.56.042, chapter 13, Laws of 1961 and RCW 47.56.042; repealing section 23, chapter 3, Laws of 1963 ex. sess., section 17, chapter 195, Laws of 1971 ex. sess. and RCW 47.60.045; repealing section 47.60-.280, chapter 13, Laws of 1961 and RCW 47.60.280; repealing section 2, chapter 44, Laws of 1972 ex. sess. and RCW 47.60.283; repealing section 47.60.290, chapter 13, Laws of 1961, section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; repealing section 1, chapter 166, Laws of 1977 ex. sess. and RCW 47.60.650; repealing section 1, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.010; repealing section 2, chapter 56, Laws of 1965 ex. sess. and RCW 47.61.020; and repealing section 47.65.091, chapter 13, Laws of 1961 and RCW 47.65.091.

Referred to Committee on Transportation.

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

MOTIONS

On motion of Senator Hansen, the Committee on State Government was relieved from further consideration of Senate Bill No. 4016.

On motion of Senator Hansen, Senate Bill No. 4016 was rereferred to the Committee on Agriculture.

At 10:19 a.m., on motion of Senator Clarke, the Senate recessed until 11:53 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:53 a.m.

MOTION

Senator Hayner: "I now move that the Senate confirm the appointment of Lieutenant Governor John Cherberg as chairman of the rules committee."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The President believes that if his name was simply added to the list, that would suffice."

The motion by Senator Hayner carried. Lieutenant Governor John Cherberg was confirmed as chairman of the Committee on Rules.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Moore moved that the Senate do now reconsider the vote by which Engrossed Substitute House Bill No. 245, as amended by the Senate, passed the Senate on February 17, 1981.

Debate ensued.

Senators Bluechel, Hayner and Clarke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 245, as amended by the Senate, passed the Senate.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Moore that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 245, as amended by the Senate, passed the Senate.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Vognild—1.

MOTION

On motion of Senator Clarke, the Senate returned to the seventh order of business.

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President, I had intended to speak in the course of the last debate on the previous bill; that is the second time that the Republican coalition in recent memory, now has gagged the minority. And I would simply point out to the members of the Republican coalition that we will be keeping a tally of how many times during the course of this session, you chose to cut us off in the course of debate.

"In debate it is the responsibility of the minority to point out problems or concerns with respect to any legislation, and it becomes increasingly difficult to perform that valued and necessary function when, in the course of debate, calls for the previous question are made."

THIRD READING

SUBSTITUTE HOUSE BILL NO. 208, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Modifying provisions on excise tax collections.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 208, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Vognild—1.

SUBSTITUTE HOUSE BILL NO. 208, 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.

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

MESSAGE FROM THE HOUSE

February 18, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 206, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 206.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3041.

SECOND READING

SENATE BILL NO. 3041, by Senators Williams, Gould, Talley and Hurley:

Providing for the appointment of members to the Pacific Northwest Electric Power and Conservation Planning Council.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 3041 was substituted for Senate Bill No. 3041 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the following amendment by Senator Quigg was adopted:

On page 1, line 25, after "act" insert ", which reads in part: The plan shall give priority to resources which the council determines to be cost effective. Priority shall be given: first, to conservation; second, to renewable resources; third, to generating resources utilizing waste heat or generating resources of high fuel conservation efficiency; and fourth, to all other resources"

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

Senator Wilson moved adoption of the following amendment:

On page 2, following line 14, add a new subsection as follows:

"(4) No member appointed under this chapter may continue serving unless confirmed by the senate by the end of the next regular session following appointment."

Debate ensued.

Senator Woody demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wilson.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody—31.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Jones, Newhouse, Quigg, Sellar, Zimmerman—16.

Excused: Senators Haley, Vognild—2.

POINT OF ORDER

Senator McDermott: "Mr. President, I notice Senator Jones and Senator Sellar approaching the bar during roll call. I think that is prohibited by the rules."

RULING BY THE PRESIDENT

President Cherberg: "Your remarks are well taken, Senator."

PARLIAMENTARY INQUIRY

Senator Pullen: "Well, I agree one hundred percent with Senator Bottiger and it would seem to me it would be appropriate to interrupt a roll call to raise a point of order to object to people being down at the front desk. Would not that be correct? Because otherwise how would it be possible to insure that the rules were enforced?"

RULING BY THE PRESIDENT

President Cherberg: "The President believes the rule specifically states that a roll call cannot be interrupted except for the purpose of a call of the Senate.

"If there were a fire or a bomb, the President might interrupt it."

Senator Hurley moved adoption of the following amendment by Senators Hurley, Goltz and McDermott:

On page 2, line 15 after "(1)" delete everything from and including "Council" through and including "act." on line 17 and insert:

"No council member may have other employment for which compensation is received. However, nothing in this subsection prohibits a member from receiving compensation for infrequent activities which do not prevent the member from devoting full attention to essential council activities. This subsection shall not apply after the council has adopted the regional conservation and electric power plan if the council has declared that subsequent activities will not require full time participation of the members."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gould, as I understand, and just briefly reading the Federal law, the number of states that appoint delegates to the Pacific Northwest Power Commission, these people will only be setting policy and is it the intention that they hire an executive director? I read some place where they are going to have two hundred employees, although Congress has not made the appropriation yet. And I do not know what they are going to use the two hundred employees for. It was my understanding that this board would merely be a policy-setting board to make sure that all states would be treated fairly, and that somebody else would do the actual enforcement, I do not know whether it is the Bonneville authority or who would do that. Could you explain? Or somebody that has been on the committee."

Senator Gould: "I will yield to Senator Williams."

Senator Williams: "Yes. Senator Rasmussen, as I understand it, at least, the role of the council actually is going to be determined by the council itself. If it chooses to be just a policy body and rely totally on staffing which they may arrange for in any number of ways, then that will be their determination, as I understand it.

"They may also elect to take a much more active part in the process of the responsibilities that they have. I think that is one of the things that no state, and including the Federal legislation, has attempted to actually set out, and left that determination actually to the council itself."

Further debate ensued.

Senator Jones demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Hurley, Goltz and McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Bauer, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talmadge, Wilson, Wojahn, Woody—17.

Voting nay: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Williams, Zimmerman—30.

Excused: Senators Haley, Vognild—2.

On motion of Senator Gould, the rules were suspended, Engrossed Substitute Senate Bill No. 3041 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3041, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators McDermott, Pullen, Ridder—3.

Excused: Senators Haley, Vognild—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3041, 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 Gould, Engrossed Substitute Senate Bill No. 3041 was ordered immediately transmitted to the House.

MOTION

Senator Clarke moved that the following adjustments be made in today's second reading calendar: Senate Bills 3004, 3114, 3006, 3252, 3009, 3033, 3098, 3263 and SJR 108 be placed at the end of the calendar in that order.

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Are we about to vote on whether to move Senate Bill 3263 and SJR 108 to the bottom of the calendar?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Shinpoch."

Senator Shinpoch demanded a roll call and the demand was sustained.

POINT OF INFORMATION

Senator McDermott: "Mr. President, I did not understand what Senator Clarke said. You said you were not going to have things in their order of importance but in their order of orderly procedure; and I do not know what that means, maybe you could set that out for us; because I remember all the talks that you people gave us last year about the fact that we ought to consider redistricting and get it out of the way so that we could get on with the people's business, and now you want to have it on the calendar day after day? Is that orderly?"

Senator Clarke: "Mr. President, if we followed the procedure which was set by the now minority, we had no idea what was going to happen to the various bills on the calendar. There was no attempt whatsoever to follow the order; they pick 'em from the bottom, they pick 'em from the middle; now you are saying, in substance, that we should have no flexibility whatsoever. What we are endeavoring to do is to give you as much advance notice as possible as to the order in which the majority decides to consider the calendar.

"Now we could make this motion at any time and shift at any time; as a matter of fact, the arrangement, the sequence that we are now giving you is in an effort to be cooperative. We as a majority, and we might as well serve notice on you right now, if at any time we feel that it is to the benefit of this body to change that order, we will do so by majority vote; but we will have our own reasons for doing so.

"Now if you do not want us to endeavor to cooperate by giving you advance, the list in which we, in the absence of some other consideration coming up, as far as we are concerned, are going to consider these bills, we will just go back to the former procedure that you had, pay no attention whatsoever to the order in which these things are placed on the calendar but proceed to pull them and consider them at our own convenience.

"Now I just call attention and would like to have you think back as to the procedure before; never has there been a situation where the majority has felt that they were bound to consider the bills in the order as set forth."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, and members of the Senate.

"This is supposed to be a deliberative body doing the people's business, and I do not think the people's business is to give threats to any particular party on this floor."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate, particularly Senator Clarke.

"I share your criticism of some, how the Senate proceeded in the past session. But I do not think you can say that of this session or of this, the majority that served here up until about a week ago, or until last Friday, anyhow.

"We had proceeded in the orderly procedure. We had instituted requests for amendments in advance; we did sit in rules and talk about blocking bills together so everybody would know how the procedure would be. And we performed.

"So I presume you are talking about some prior sessions when many of us were not here."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: Mr. President, members of the Senate.

"To put it bluntly, I guess the concern that is expressed by the members on this side is that this is simply a prelude to rereferring these bills back to the rules committee, or back to the committee of origin, and not taking up the issue of a redistricting commission at all.

"This could be the first step and we have no assurances from the other side that they are going to take these bills up, once they place them down at the bottom of the calendar, where I think they would like to have them rest permanently.

"I would hope, at least from Senator Clarke and perhaps some other members on that side, that they would give us those kinds of assurances that should, in fact, they prevail with their twenty-five votes, that these measures will, in fact, be considered out here on the floor where they can be debated in front of the public; that they can be considered in full public view and a public vote taken."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President. As far as Senate Bill 3263 is concerned, we have asked for an attorney general opinion as to the constitutionality of that. We believe, and we have had several lawyers look at it carefully, that it is unconstitutional. That is one of the reasons for putting that bill at the bottom.

"The next bill, there are several members in our caucus who are interested in amendments to SJR 108, and that is the reason for putting that bill at the bottom.

"If you do not want us to notify you as to the order, that is just fine, and we will take them wherever we find them."

REMARKS BY SENATOR WOODY

Senator Woody: "Thank you, Mr. President.

"Up until last Friday I was chairman of the constitution and elections committee in the Senate; and . . ."

President Cherberg: "For what purpose does Senator Clarke rise?"

Senator Clarke: "Well, I think, if Senator Woody would yield for just a minute. I think we all would like to get some lunch and if the Senate would consider, I

would withdraw my motion with the idea that we can debate this at the next working day when all of us have had time to maybe think a little more and cool down. Now if Senator Woody still wants to make some remarks, it is fine, but I would like to withdraw my motion for the reasons stated."

President Cherberg: "If there is no objection, the motion is withdrawn. Senator Woody."

Senator Woody: "Thank you."

"Senator Clarke, I simply wish to ask if there is a question or a potential question about the unconstitutionality of Senate Bill 3263 which did pass through our committee and if you have, in fact, asked for an attorney general's opinion on a particular provision in that bill, I would appreciate—and I think other members of our caucus would appreciate—having your concerns in a written form and perhaps the question that you asked the attorney general's office for our review also, so that we could possibly consider an amendment to this bill that might resolve the problem, without holding it at the bottom of the calendar indefinitely. Thank you."

MOTION

On motion of Senator Clarke, the motion to place Senate Bill 3263 and Senate Joint Resolution 108 at the end of the calendar for today was withdrawn.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, when a member is in the course of speaking on the floor, can another member interrupt in the course of those remarks if the original speaker did not yield the floor?"

REPLY BY THE PRESIDENT

President Cherberg: "Another member can raise the point of order, Senator."

MOTION

At 1:55 p.m. on motion of Senator Clarke, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:30 p.m.

The President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 3:55 p.m.

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

MESSAGES FROM THE HOUSE

February 18, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 207, and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

February 18, 1981.

Mr. President: The House has concurred in the Senate amendment to GROSSED SUBSTITUTE HOUSE BILL NO. 245, and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

February 18, 1981.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 207,
SUBSTITUTE HOUSE BILL NO. 208,
SUBSTITUTE HOUSE BILL NO. 245, and the same are herewith
transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 207,
SUBSTITUTE HOUSE BILL NO. 208,
SUBSTITUTE HOUSE BILL NO. 245.

MOTION

At 3:55 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00
a.m., Thursday, February 19, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 19, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Gallagher, Vognild and von Reichbauer. On motion of Senator Ridder, Senator Vognild was excused.

The Color Guard, consisting of Pages Brendan Banfield and Jon Mercer, presented the Colors. Reverend Ray Morrison, pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 19, 1981.

Mr. President: The House has passed:

HOUSE BILL NO. 120,

HOUSE BILL NO. 191,

HOUSE BILL NO. 275, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 18, 1981.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 46,

SUBSTITUTE HOUSE BILL NO. 70,

HOUSE BILL NO. 109,

HOUSE BILL NO. 110,

SUBSTITUTE HOUSE BILL NO. 118,

HOUSE BILL NO. 131,

ENGROSSED HOUSE BILL NO. 172,

ENGROSSED HOUSE BILL NO. 188,

SUBSTITUTE HOUSE BILL NO. 247,

HOUSE BILL NO. 248,

HOUSE BILL NO. 304,

HOUSE JOINT MEMORIAL NO. 1,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 18, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 8, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4030, by Senator Sellar:

AN ACT Relating to land use; adding a new chapter to Title 43 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 4031, by Senator Charnley:

AN ACT Relating to local government; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4032, by Senators Conner and Ridder:

AN ACT Relating to school districts; and amending section 28A.58.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 73, Laws of 1977 and RCW 28A.58.310.

Referred to Committee on Education.

SENATE BILL NO. 4033, by Senator Scott (by Office of State Auditor request):

AN ACT Relating to the establishment of a revolving fund within the office of the state auditor for the purpose of paying the costs of audits of state departments; amending section 43.09.290, chapter 8, Laws of 1965 and RCW 43.09.290; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 46, by Representatives Owen, Nisbet, Brown and Rosbach:

Protecting shellfish pots.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 70, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Martinis and Rosbach):

Providing for the distribution of federal funds for fish restoration and management projects.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 109, by Committee on Transportation and Representative Wilson (by Department of Transportation request):

Exempting traffic restrictions shown by signs from adoption under the APA.

Referred to Committee on Transportation.

HOUSE BILL NO. 110, by Committee on Transportation and Representative Wilson (by Department of Transportation request):

Clarifying authority over limited access highway facilities.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 118, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Transportation and Representatives Wilson, Patrick and Clayton):

Deregulating warehousemen.

MOTION

On motion of Senator Clarke, the rules were suspended and Substitute House Bill No. 118 was placed on second reading.

HOUSE BILL NO. 120, by Representatives Smith, Amen and Warnke (by Legislative Budget Committee request):

Removing the state-aid to probation counselors program.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 131, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Changing minimum value requirement and method of payment for sales of public land and materials.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 172, by Committee on Local Government and Representative Isaacson (by State Auditor request):

Deleting the requirement that public utility district obligations be registered and signed by the State Auditor.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 188, by Committee on Education and Representative Taylor (by Superintendent of Public Instruction request):

Making changes respecting auditing and reporting of school district accounts.

Referred to Committee on Education.

HOUSE BILL NO. 191, by Committee on Local Government and Representative Isaacson (by State Auditor request):

Providing for the transfer of moneys between funds of a unit of local government.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 247, by Committee on Agriculture (originally sponsored by Committee on Agriculture and Representative Smith):

Modifying provisions affecting irrigation districts.

Referred to Committee on Agriculture.

HOUSE BILL NO. 248, by Committee on Local Government and Representatives Barrett and Isaacson):

Deleting power for street lighting from LID's which require petitions.

Referred to Committee on Local Government.

HOUSE BILL NO. 275, by Committee on Ethics, Law and Justice and Representative Ellis:

Correcting double amendments in the Revised Code of Washington.

Referred to Judiciary Committee.

HOUSE BILL NO. 304, by Representatives Hankins, Hastings, McCormick, Isaacson, Stratton, Nisbet, Prince, Johnson, Lundquist and Garrett:

Authorizing operating agencies to maintain security forces.

Referred to Committee on Energy and Utilities.

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, Padden, Leonard, Barrett, Isaacson, Addison, Sanders, Eberle, Patrick, Barr, Schmitten, Lewis, Taylor, Tupper, Berleen, Schmidt, Smith, Bond, Hastings, Clayton, Mitchell, McGinnis, Ellis and Owen:

Requesting Congress to amend the Constitution to require a balanced Federal Budget:

Referred to Committee on Ways and Means.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, by Representative Nelson (G):

Establishing cut-off dates for the 47th legislature.

Referred to Committee on Rules.

FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 8, by Representatives Nelson (G.) and King (R.):

Congratulating Nigerian representatives to the United States and particularly to the state of Washington.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed House Concurrent Resolution No. 8 was advanced to second reading and read the second time in full.

On motion of Senator Jones, the rules were suspended, House Concurrent Resolution No. 8 was advanced to third reading, the second reading considered the third, and the resolution was unanimously adopted.

REMARKS BY SENATOR JONES

Senator Jones: "Yes, members of the Senate.

"I would like to make a few remarks about our visitors and the pleasures we have had in having our two guests here, and I will make an effort at pronouncing their names properly: Okon Robert Akpabio and John Egbuniwe Ikebude. And I hope that was fairly close.

"My reason for wanting to adopt this resolution and to speak is because I have a personal interest in the African nations. My son spent two-and-one-half years there as a member of the Peace Corps and had a tremendous experience, spent several weeks traveling through Africa and we have a real appreciation in our family for the emerging struggle of the nations of Africa and your democratic efforts. I applaud them and wish you well and it has been a pleasure having you here with us. Thank you so much."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Jones, if you will pardon the President, on a lighter note, the first gentleman's name is Nigerian for 'Jones,' and the second one is Nigerian for 'Smith.'"

MOTIONS

On motion of Senator Lee, the Committee on Education was relieved of further consideration of Senate Bills 3709 and 3710.

On motion of Senator Lee, Senate Bills 3709 and 3710 were rereferred to the Committee on Higher Education.

On motion of Senator Lee, the Committee on Local Government was relieved from further consideration of Senate Bill No. 3693.

On motion of Senator Lee, Senate Bill No. 3693 was rereferred to the Committee on Higher Education.

On motion of Senator Lee, the Committee on State Government was relieved of further consideration of Senate Bill 3639.

On motion of Senator Lee, Senate Bill 3639 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on State Government was relieved of further consideration of Senate Bill 3751.

On motion of Senator Lee, Senate Bill 3751 was rereferred to the Committee on Natural Resources.

At 11:20 a.m., on motion of Senator Clarke, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

On motion of Senator Clarke, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 12:10 p.m.

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bills 3207, 3208, 3209, 3210.

SECOND READING

SENATE BILL NO. 3207, by Senators Rasmussen and Jones (by State Treasurer request):

Extending the authorization on the transfer of public funds by electronic communication.

The bill was read the second time by sections.

The motion by Senator Rasmussen, the rules were suspended, Senate Bill No. 3207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3207, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Deccio, Gallagher, Vognild, von Reichbauer—4.

SENATE BILL NO. 3207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3208, by Senators Rasmussen and Jones (by State Treasurer request):

Excluding the state treasurer from the reporting requirement on highest bank balances during the fiscal year.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3208, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg,

Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Deccio, Gallaghan, Vognild, von Reichbauer—4.

SENATE BILL NO. 3208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3209, by Senators Rasmussen and Jones (by State Treasurer request):

Changing the state payroll revolving fund to an account.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3209 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3209, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Lysen—1.

Excused: Senators Deccio, Gallaghan, Vognild—3.

SENATE BILL NO. 3209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and members of the Senate.

"Because my signature is on the now infamous documents confiscated by the Republican coalition early Monday morning, I think this was immoral, I think it was uncalled for, and I now request from the Republican coalition that those documents be returned.

"It is my understanding that the Republican coalition has made copies of these documents for presentation to the public disclosure commission. The Republican coalition has had time, adequate time, to review or screen, whatever terminology that they used in expressing why they confiscated these documents, and I would like to request that those documents be returned now.

"You will also receive this request in writing and I hope that my request would be adhered to."

REMARKS BY SENATOR JONES

Senator Jones: "Those letters are in the hands of the public disclosure commission, Senator Fleming, and they have been placed for their scrutiny and their opinion, an advisory opinion on whether these are not, in fact, partisan political mailings.

"As you know these were not directed into your district or Senator Bottiger's district.

"And you speak of the late hours, I guess we wonder why this type of printing has to take place during the late hours. And I believe you mentioned the late hours."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Jones yield to a question? Perhaps if I asked the question then he could decide.

"Senator, when was Senator von Reichbauer's letters printed, the 'pray for me' letters? When was the order placed?"

Senator Clarke: "What order of business are we, and what is before the Senate? Personal privilege on the part of Senator Fleming, and I think that had been concluded."

POINT OF ORDER

Senator Fleming: "Mr. President, I would suggest that Senator Bottiger would have a right to speak on a personal privilege since his name was also on those documents."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fleming, in reply to your point of order, Senator Bottiger certainly has the opportunity to speak upon a point of personal privilege; however, Senator Bottiger did not request it. Do you so request, Senator?"

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, to continue my remarks.

"It is a well-established practice in this Senate that the mailings that we are referring to are done at the convenience of the print shop and used to fill in time.

"The first priority, at least it used to be, was this; the second were committee reports and things of that nature, and when other time was available, the letters, the questionnaires and the other items of the Senate were printed. And I trust that that has not changed.

"Early on in this session, a request was made to me, that there be a no-discrimination between when material was printed in the print shop, that it was first come, first served on the placement of the order, and a suggestion was made that that had not been the practice in the past. And we immediately directed the print shop that first come, first served was the order, and that they were not to deviate from that.

"So material is printed, since there is an employee there twenty-four hours a day, first come, first served.

"Now I would inquire as to whether that same rule applied and how many letters were bounced down so that Senator von Reichbauer's 'pray for me' letter could be printed.

"I would further request or suggest that maybe a policy ought to be established as to what time . . ."

POINT OF ORDER

Senator Newhouse: "I would suggest that the member is not speaking to a point of personal privilege, that he is talking about order of business, things that should either be discussed with the rules committee or on the eighth order on motions."

Senator Bottiger: "Mr. President, since I have a request up there for printing that got delayed, I think it is a point of personal privilege.

"I think we will be presenting a rule change tomorrow which will try to lay out some orderly procedure and some method whereby it can be challenged, both by the minority and the majority party, but not just one gets to pick and censor the material of the other.

"But that rule change will have no prior restraint in it. If you submit something or I submit something and it is challenged, the information will be brought to the person challenged and be able to raise his point and then he will decide whether he should proceed. But we will discuss that tomorrow."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate.

"We have already made it very clear that we want the executive officer, the secretary of the Senate, to make the decision on what material is permissible to be printed and therefore we have asked the . . ."

President Cherberg: "For what purpose do you rise, Senator Williams?"

Senator Williams: "Under what procedure is Senator Hayner speaking?"

Senator Hayner: "Mr. President, I was trying to respond to Senator Bottiger."

President Cherberg: "The President was going to remark that we might just as well let it all hang out, so Senator Hayner . . ."

Senator Hayner: "That is why we took the material to the public disclosure commission so that they could give us some guidance; and we have also requested and the secretary of the Senate is going to write a letter also, because he would like to have some guidelines by which this is determined.

"And as far as the first in, first out, I think we will try to abide by that; I do not think that the Democrats did, but it is certainly our hope that we can."

POINT OF INQUIRY

Senator Fleming: "Mr. President, responding to Senator Jones, as it relates to my remarks, and maybe a question or two if he so chooses to answer.

"Should I, from your remarks, understand that we will get, in writing, until the resolution that might be proposed by Senator Bottiger, we will get, in writing, this policy of yours that you now say is a policy of yours, and am I to understand that, as a result of Senator Hayner's comments, I will no longer have to call you or write you to ask whether I can send out, whether something meets your approval, but that approval will come from Sid Snyder's office; and if, in fact, that is the case, are you also indicating to me that that was not the policy when the infamous documents were confiscated?"

Senator Jones: "May I refer to the reference of 'infamous documents' which are the words of Senator Fleming, I might point out. And I well agree with him at this point.

"There has been a screening process in place; but now I find that in the documents in question, neither the secretary of the Senate nor Millie was able to look at those documents; they came with a memorandum signed by Dale Woods on Sunday, were delivered on Sunday and the memorandum references to 'I'll pick them up early in the morning.'

"That is a portion of my concern that we may never have seen that letter nor have known its origin. I might also point out that, and you may correct me if it is true, that in the duplication of these letters which you presented to the press, at which you called a press conference, you brought this all to light rather than handling it in what we hoped would be a fairly quiet manner with an advisory opinion from the public disclosure commission.

"There was no intention on our part to call a press conference. As a matter of fact, the press asked us why we did not. And my reaction was, it was not our intention . . ."

Senator Fleming: "Senator Jones . . ."

Senator Jones: "I am not through responding, Senator . . ."

Senator Fleming: "Sorry, Senator."

Senator Jones: ". . . and you have interrupted my train of thought, too, as well."

"It seems to me that I recall Senator Gordon Sandison who occupied my position, my responsibilities, and I am a person who works late around here; I used to move around here and I would find Gordon looking around here to make sure that the security guards were awake at some extremely later hours; and any contention that early in the morning, after all I believe the night shift was supposed to start at eleven, the person who was supposed to be there had not reported; I had asked the secretary of the Senate to go with me but he went home, ill."

"When we did get up there, waited a couple of hours; it was Sunday night, I was a little tired, I have, as noted in the paper and in the reports that if indeed these were being printed, that they should be taken and put into my office where you or Senator Bottiger could come over and discuss them."

"And there was a call made in the morning to Senator Hayner. We told them they were here, told him, excuse me, Senator Bottiger, that the letters were there and we thought we would turn them over to the advisory opinion of the public disclosure commission."

"That is my intent, that was my purpose. I think the continuing screening process that's being placed through a person who was under Sid Snyder's, the secretary of the Senate's supervision, will continue. She did not have an opportunity to look at this and I think the secretary of the Senate took this upon faith. I think it would have been questioned if he had had the opportunity to look at it. In view of that, I thought it would be well that someone did not think that I had a nightmare and somehow imagined this."

Senator Fleming: "Senator Jones, I appreciate your comments and I hope that your train of thought is still continuing."

"I would just say that I do not recall Senator Gordon Sandison confiscating anything from the Republicans. I would also suggest that there might be any number of reasons why you would not have called a press conference if you had confiscated some material in the wee hours of the morning."

"Secondly, it concerns me since we did bring it up to your attention which you are aware of anyway, it concerns me that there is a Guess' letter that was not also sent to the PDC."

"So my purpose for rising was to speak to that personal privilege because my name was on those documents. I disagree with you totally and I would just say that I would hope by your comments, that this body and others listening would not take those comments of yours about 'screening process' to say that we had and will continue, or had in place, a screening process. I think you were using the wrong terminology."

REMARKS BY THE PRESIDENT

President Cherberg: "The President believes that an open and free discussion has been permitted and would appreciate some direction from the leadership of both sides as to whether this discussion should be continued."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I understand Senator Newhouse has one brief question to ask, and I would agree that I think this has progressed far beyond the

usual idea of personal privilege and that, both sides, should exercise restraint and cut this off."

REMARKS BY THE PRESIDENT

President Cherberg: "Then the President will permit Senator Newhouse to express his remarks and then, if a rebuttal is required, to call upon Senator Talmadge who is endeavoring to get the floor, also. Is that agreeable? Senator Newhouse."

POINT OF INQUIRY

Senator Newhouse: "Senator Jones, you brought into the discussion the name of an employee of this Senate, Mr. Woods.

"Would this be the same Mr. Woods who was detected conducting a covert telephone poll some years ago in a political campaign?"

Senator Jones: "The same Dale Woods—plural."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Am I to understand that Senator Talmadge is merely to comment on the last question and answer exchange and that we had terminated the other discussion."

President Cherberg: "That is the President's understanding. Senator Talmadge."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, to put it briefly whatever happened with respect to Mr. Woods is water over the dam; but I would submit to the body that prior restraint is prior restraint, censorship is censorship; breaking and entering is breaking and entering; and all of those things are devices that are forbidden us by the first amendment to the constitution and that . . . these kinds of problems."

REMARKS BY SENATOR JONES

Senator Jones: "I deeply resent 'breaking in'; that office is open; it is the Senate printing room; it was not the province of, at that time, the minority or the majority; it was an open room; always has been an open room. I resent the term 'breaking in' deeply, and 'prior restraint' and every other technical term that Talmadge can whip up."

REMARKS BY THE PRESIDENT

President Cherberg: "The President actually believes that every member of the Senate deep down under hopes that the atmosphere of the Senate will soon be more amicable. Therefore, the President really believes the discussion should end at this point."

SECOND READING

SENATE BILL NO. 3210, by Senators Rasmussen and Jones (by State Treasurer request):

Modifying provisions on warrants.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3210 was substituted for Senate Bill No. 3210 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3210 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Rasmussen, in looking at the treasurer's report here for December, '80, and it shows a current investments, declared surplus of \$501 million dollars. How is it possible we have a surplus at the same time we are worried about going on warrants? They invested this money . . ."

Senator Rasmussen: "That shows a surplus in all funds that are invested, but they are not available for paying employees' warrants. That is charged out against the various agencies."

Senator Lysen: "It also shows the debts of the general fund of \$388 million dollars. Is that what we are concerned about? That has been running that way, oh since the first part of last year."

Senator Rasmussen: "Yes, that is a very real concern, and that is, unless we take this limit off, then if it was necessary and the banks refused to accept the warrants without discounting them, that is one of the reasons we want to keep that general fund sound."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3210, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Lysen, McDermott—2.

Absent or not voting: Senators Hurley, Williams—2.

Excused: Senators Deccio, Gallagher, Vognild—3.

SUBSTITUTE SENATE BILL NO. 3210, 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

At 12:52 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Friday, February 20, 1981.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 20, 1981.

The Senate was called to order at 11:00 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and Vognild. On motion of Senator Ridder, Senator Vognild was excused. On motion of Senator Bluechel, Senator Deccio was excused.

The Color Guard, consisting of Pages Pam Mollett and Janine LeClair, presented the Colors. Reverend Ray Morrison, pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Robert Akpabio and John Idebude from the National Assembly in Lagos, Nigeria. These guests have been observers in the Senate and House of Representatives in Olympia the past two weeks. The President appointed Senators Hayner, Jones, Fleming and Bottiger as a committee of honor to escort the guests to the rostrum.

The President gave certificates to the guests designating them as Honorary Distinguished Citizens, Ambassadors of Good Will and Washington Generals.

With permission of the Senate, business was suspended to permit the guests to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator Vognild: "Thank you, Mr. President and members of the Senate.

"I would like to say 'thank you' to all the members who have expressed their concerns over my recent illness. As you can see, I am here today; I am not going to stay. The doctor has discharged me from the hospital, has asked me to go home and spend approximately a week recuperating. There was no heart attack, there was no heart damage. It was strictly a flu that I let go too long, and if any of the rest of you are fighting with that, I urge you to be extremely careful. Thank you."

PERSONAL PRIVILEGE

Senator Fleming: "I do not know, Mr. President, whether it would have been in order to introduce me along with Senator Ridder, depending on what my colleagues on the other side of the aisle have in store for me during redistricting. They might be mine, too."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator, the President agrees that that was, indeed, a remark of a personal privilege nature."

REPORTS OF STANDING COMMITTEE

February 18, 1981

SENATE BILL NO. 3221, exempting certain students from other states from nonresident portion of tuition and fees where admitted to University of Washington dental school under contracts with certain other western states (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3315, exempting barber and cosmetology schools from educational services registration act (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3315 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3424, exempting prisoners transferred outside the state for personal security from the notice of transfer requirement (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3545, providing for the registration of permanent identification symbols for horses (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3545 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Jones, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 19, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 19, 1981

Mr. President: The House has adopted: ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 9, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4034, by Senators Talmadge and Newhouse:

AN ACT Relating to property tax refunds; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 21, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.69.020; and amending section 84.69.120, chapter 15, Laws of 1961 and RCW 84.69.120.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4035, by Senators Quigg and Moore:

AN ACT Relating to mobile homes; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 4036, by Senators Deccio, Hansen and Quigg:

AN ACT Relating to environmental protection; amending section 2, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.020; amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.030; amending section 1, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.070; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4037, by Senator Hayner:

AN ACT Relating to real property and deeds of trust; amending section 1, chapter 74, Laws of 1965 as amended by section 1, chapter 129, Laws of 1975 1st ex. sess. and RCW 61.24.010; amending section 2, chapter 74, Laws of 1965 as amended by section 2, chapter 129, Laws of 1975 1st ex. sess. and RCW 61.24.020; amending section 4, chapter 74, Laws of 1965 as last amended by section 4, chapter 129, Laws of 1975 1st ex. sess. and RCW 61.24.040; amending section 7, chapter 74, Laws of 1965 and RCW 61.24.070; amending section 8, chapter 74, Laws of 1965 as amended by section 3, chapter 30, Laws of 1967 and RCW 61.24.080; amending section 9, chapter 74, Laws of 1965 as last amended by section 5, chapter 129, Laws of 1975 1st ex. sess. and RCW 61.24.090; amending section 11, chapter 74, Laws of 1965 and RCW 61.24.110; and amending section 13, chapter 74, Laws of 1965 as amended by section 6, chapter 129, Laws of 1975 1st ex. sess. and RCW 61.24.130.

Referred to Judiciary Committee.

SENATE BILL NO. 4038, by Senator Hayner:

AN ACT Relating to deed conveyance tax; and amending section 82.20.010, chapter 15, Laws of 1961 and RCW 82.20.010.

Referred to Judiciary Committee.

SENATE BILL NO. 4039, by Senator Scott:

AN ACT Relating to sales and use taxation; amending section 82.08.090, chapter 15, Laws of 1961 as amended by section 49, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.090; and amending section 82.12.060, chapter 15, Laws of 1961 as last amended by section 54, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4040, by Senator McDermott:

AN ACT Relating to energy facility sites; amending section 1, chapter 45, Laws of 1970 ex. sess. as amended by section 29, chapter 108, Laws of 1976-'76 2nd ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. as last amended by section 2, chapter 371, Laws of 1977 ex. sess. and RCW

80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040; amending section 6, chapter 45, Laws of 1970 ex. sess. as last amended by section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060; amending section 16, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.071; amending section 17, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.075; amending section 8, chapter 45, Laws of 1970 ex. sess. as amended by section 6, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.080; amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; amending section 10, chapter 45, Laws of 1970 ex. sess. as last amended by section 8, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.100; amending section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120; amending section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130; amending section 14, chapter 45, Laws of 1970 ex. sess. as amended by section 11, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.140; amending section 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.160; amending section 2, chapter 110, Laws of 1974 ex. sess. as last amended by section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; amending section 14, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.180; amending section 15, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.190; amending section 5, chapter 155, Laws of 1973 as amended by section 41, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 90.48.262; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4041, by Senator Lee:
AN ACT Relating to special school programs.
Referred to Committee on Education.

SENATE BILL NO. 4042, by Senator Lee:
AN ACT Relating to school transportation.
Referred to Committee on Education.

SENATE BILL NO. 4043, by Senator Lee:
AN ACT Relating to revenue from wrestling activities.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4044, by Senator Hansen:
AN ACT Relating to agriculture.
Referred to Committee on Agriculture.

SENATE BILL NO. 4045, by Senator Hansen:
AN ACT Relating to agriculture.
Referred to Committee on Agriculture.

SENATE BILL NO. 4046, by Senator Hansen:
AN ACT Relating to livestock.
Referred to Committee on Agriculture.

SENATE BILL NO. 4047, by Senator Hansen:
AN ACT Relating to water rights.
Referred to Committee on Agriculture.

SENATE BILL NO. 4048, by Senator Hansen:
AN ACT Relating to animal rendering plants.
Referred to Committee on Agriculture.

SENATE BILL NO. 4049, by Senator Hansen:
AN ACT Relating to liens.
Referred to Committee on Agriculture.

SENATE BILL NO. 4050, by Senator Hansen:

AN ACT Relating to water projects.

Referred to Committee on Agriculture.

SENATE BILL NO. 4051, by Senator Hansen:

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

SENATE BILL NO. 4052, by Senator Hansen:

AN ACT Relating to irrigation.

Referred to Committee on Agriculture.

SENATE BILL NO. 4053, by Senator Hansen:

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

SENATE BILL NO. 4054, by Senator Hansen:

AN ACT Relating to water resources.

Referred to Committee on Agriculture.

SENATE BILL NO. 4055, by Senator Bluechel:

AN ACT Relating to reporting requirements for higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 4056, by Senator Bluechel:

AN ACT Relating to the state teachers' retirement system.

Referred to Committee on Education.

SENATE BILL NO. 4057, by Senator Bluechel:

AN ACT Relating to higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 4058, by Senator Rasmussen:

AN ACT Relating to veterans affairs.

Referred to Committee on State Government.

SENATE BILL NO. 4059, by Senator Conner:

AN ACT Relating to leasehold excise taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4060, by Senators Goltz and Sellar:

AN ACT Relating to ethics.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4061, by Senator Goltz:

AN ACT Relating to the educational services registration act.

Referred to Committee on Education.

SENATE JOINT MEMORIAL NO. 110, by Senators Gallagher, Peterson and Conner:

Requesting federal funding of fish enhancement projects.

Referred to Committee on Natural Resources.

FIRST READING OF HOUSE MEMORIAL

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4, by Committee on Local Government (originally sponsored by Representatives Lundquist, James, Chamberlain, Van Dyken, Barr, Leonard, Isaacson, Erickson, Barrett, Monohon, Garrett, Berleen, North, Stratton, Hine, Lewis, Lane, Johnson and Heck):

Requesting reallocation of federal funds to aid victims of the Mt. St. Helens eruption.

Referred to Committee on Local Government.

MOTION

On motion of Senator Clarke, all measures listed on Introduction and First Reading were referred as indicated on that listing with the exception of Engrossed House Concurrent Resolution 9.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Concurrent Resolution 9.

FIRST READING OF HOUSE RESOLUTION

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 9, by Representative Amen:

Commemorating deceased former members of the legislature.

On motion of Senator Clarke, the rules were suspended, Engrossed House Concurrent Resolution No. 9 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Engrossed House Concurrent Resolution No. 9 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF MEMORIAL COMMITTEE

The President appointed, under provisions of Engrossed House Concurrent Resolution No. 9, Senators Zimmerman, Woody and Fuller to serve as representatives on the memorial committee from the Senate.

MOTION

On motion of Senator Clarke, the appointees were confirmed.

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, members of the Senate.

"I have conferred this morning with Senator Bluechel and Senator Jones about moves which are occurring to take members from certain offices and put them other places.

"And when the events of last Friday occurred, we understood there would be a minimum of disruption to the members, but however, I was aware that I would be moving from the president pro tem's office at some time in the near future. Apparently that event will occur some time this weekend.

"Now I have not been told exactly where I am going to go. I thought I might stay somewhere on the third floor of this building, perhaps, say, somewhere on the fourth floor of this building, but where in hell is Tenino?

"Actually, it appears that I am going to be in an undesignated area on the fourth floor of the public lands building, somewhere in the neighborhood of the communications center. I think after we clean up . . . the dusting for the fingerprints and remove the tape from the locks, that I will be ready to be in business next Monday.

"When I look at the options and the moves which I saw, and I am pleased to see that the number is being considerably reduced, it really looked like the choreographer for 'Fruit Basket Upset' had taken over the moves for the time being.

"Now the cost of this just has to be very great. I do not think we ought to fool ourselves that we are getting by for peanuts; we are really spending hundreds, and even thousands of dollars on the kinds of things which are occurring: to reprint stationery, reprint the floor chart, pay the moving cost, the phone costs, and so on. It is a very disruptive and expensive business.

"Nor has it gone unnoticed that while senior members from our side of the aisle have been asked to move into remote and less desirable offices, your new freshman member, the Friday defector, has gotten one of the choice offices in this building, previously occupied by one of our members who had sixteen years of seniority and was a committee chairman. Now is that part of the deal?"

"You could have moved him into the Republican suite in the office vacated by the new president pro tem, but I understand he refused to go.

"What right of refusal does he have that none of the rest of us have? Or did other Republicans in that suite not want him with his TV surveillance camera and his demanding nature?"

"Now that he had done his treachery, you do not have to worry about him defecting back, because we do not want him."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I just wanted to make a very brief statement in response.

"It is true that we have had to make some changes, but most of them were necessary because of changes in ways and means staff, because of changes in moving our people near the energy offices, and so forth.

"We have kept them to an absolute minimum. I do not believe that we could have moved any fewer people.

"And I think you should recognize, Senator Goltz, that there are only four Republicans on the fourth floor of this building, and I understand there are about twelve Democrats. We have not moved any of those out; we have, there obviously will have to be one go out, and that is because we do not have any extra offices. Senator Jones and I are staying in our offices; we are not asking at this time for your caucus room. It is true there needs to be a change in stationery; I think that would have been imperative.

"There isn't a lot of money being spent on this; as a matter of fact, the employees who are on our staff and who are being paid the same amount, there is no overtime or anything of that sort, will be making the move this weekend. They are on seven days a week, as you know. The only expense, really, will be for the telephones of those offices that we change; that is all.

"And I think that is a very minimum."

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of personal privilege."

Senator Clarke: "Mr. President, I think we are overdoing this personal privilege situation and it was handled, I think, by the President very well yesterday. Of necessity, as the President has said, let us let it all hang out, but . . ."

"There comes a time, I think . . ."

Senator Bottiger: "Mr. President, I have been interrupted on a point of personal privilege."

Senator Clarke: "Yes, your point of order as to whether . . ."

Senator Bottiger: "Right."

Senator Clarke: ". . . point of order with respect to the scope of personal privilege presentation.

"What I was about to say was that I think we should . . ."

Senator Bottiger: "Mr. President, point of order. How can he comment on my point of personal privilege until I have made it?"

Senator Clarke: "Go ahead and make it."

President Cherberg: "Senator Bottiger."

Senator Bottiger: Mr. President, a point of personal privilege.

"Mr. President, I do not like symbolism, I do not like being left in the majority leader's office and then have other members of this caucus disrupted, and then have you say to the press, 'Look we did not move them.'

"Senator Fleming and I both transmitted to you an offer to be moved, and if you want to put some of your senior members down there, we will take the offices on the fourth floor."

REPLY BY THE PRESIDENT

President Cherberg: "The President wishes to read Rule 33. 'Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but he/she shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries: PROVIDED, That the president upon notice received may acknowledge the presence of any distinguished person or persons.'

"The President is one who believes that any member of the Senate is entitled to speak on a point of personal privilege at any time. The President believes, that the pertinent sentence here is 'shall not discuss any pending question in such explanations.'

"It is impossible for the President to determine what is personal privilege, or what is not. The only thing the President can determine is that if no pending question is discussed, that the person, a member can say almost anything he so desires as long as he does not impugn the motives or character of any other member of the Senate.

"If the members of the Senate wish the President to deny the privilege of personal privilege, the President should be entitled to direction on that matter."

PERSONAL PRIVILEGE

Senator Fleming: "I am speaking on a point of personal privilege, because it personally affects me and I also have to respond to something that Senator Hayner said which also affects me personally, and also the one that has been involved on our side with the movement of the offices."

President Cherberg: "Thank you, Senator Fleming. The President will permit this, and then a rebuttal and hope that that will conclude the matter. Senator Fleming."

Senator Fleming: "Mr. President, I can appreciate the other side of the aisle having to move chairmen from offices that other chairmen who are no longer chairmen were housed in. But I do have to take exception to the fact that, with Senator Goltz, you mentioned, Senator Hayner, that you only have 'x' number of people in this building versus how many we have. I think if you would check the seniority list we probably deserve to honor the tradition as we have in the past, you will see that we have more senior people up there.

"But in tradition and fair play, we have never, on your side or on our side, kicked a senior member out of this building. And that is what is happening with Senator Goltz; and you know and I know it probably would not have happened had one of your members, the new member that has come over to your side, had not pitched a tantrum. We would have been very easy to change offices, having Senator Guess move down to Senator Goltz' office, Senator Goltz moving up to the office that Senator Peterson now holds, and that individual who came over there, moving in to Senator Guess'. That would have been the normal thing.

"But on my personal side of it, I did demand, Saturday morning, of Senator Hayner, that they are now in the majority, we are now in the minority; they are calling the shots. We wanted to move Sunday morning to whatever offices they had that they wanted to put us into; and Senator Bottiger and I still request to be moved

as soon as possible, this weekend if necessary, to whatever offices you have in mind for us."

REBUTTAL BY SENATOR HAYNER

Senator Hayner: "Mr. President, we were very anxious not to make any more moves than were necessary. It is true that Senator Fleming indicated to me that they would be willing to be moved; we did not think that was necessary, we thought it was unnecessary, so we did not make that move.

"I really believe that the minority is making a mountain out of a mole hole here, because the truth of the matter is, as I repeat, we have only four offices on the fourth floor and they have twelve."

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of extraordinary privilege.

"Yesterday on the floor, a reference was made to an employee of the Senate, and a statement made that he had been found guilty by the public disclosure commission of unethical conduct. And I have here before me and I read, with the consent of the Senate: 'Moved by Mr. Scanlon and seconded by Mr. Ross, that after considering all the testimony offered and the evidence presented, the commission, in the matter of the Senate Democratic caucus telephone poll, does not disclose the violation of RCW 42.17.130. This matter should be referred to the state auditor.'

"There was no violation by Mr. Woods of the Public Disclosure Commission.

"I think Mr. Woods is entitled to an apology from Senator Newhouse."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Just like to comment that I fail to see how that has to do with anything with Senator Bottiger, his personal privilege."

MOTIONS

On motion of Senator Clarke, the Senate returned to the fourth order of business.

On motion of Senator Clarke, the Senate commenced consideration of the House message on Senate Concurrent Resolution 103.

MESSAGE FROM THE HOUSE

February 11, 1981.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 103, with the following amendment:

Beginning on page 1, strike the entire resolution and insert the following:

"BE IT RESOLVED, By the Senate, the House of Representatives concurring, That the Joint Rules of the Forty-seventh Legislature shall be as follows:

JOINT RULE NO.

- Rule 1 Conflict of interest.
- Rule 2 Employee restrictions.
- Rule 3 Joint session.
- Rule 4 Motions for joint session.
- Rule 5 Business limited.
- Rule 6 Conference committee.
- Rule 7 How made up.
- Rule 8 Free conference request.

- Rule 9 Free conference committee.
- Rule 10 Report of conference and free conference committee, how made out; whom returned to.
- Rule 11 Adoption of reports.
- Rule 12 Messages between the two houses.
- Rule 13 Final action on bills, how communicated.
- Rule 14 Enrolled bills—Presiding officer to sign.
- Rule 15 Disposition of enrolled bills.
- Rule 16 Transmission of documents.
- Rule 17 Joint and concurrent resolutions: memorials.
- Rule 18 Amendatory Bills.
- Rule 19 Amendatory bills, how drawn.
- Rule 20 Amendments to state constitution: action by legislature.
- Rule 21 Publicity of proposed amendments to state constitution.
- Rule 22 Initiative petition before the legislature.
- Rule 23 Adjournment.
- Rule 24 Adjournment sine die.
- Rule 25 Committee bills.
- Rule 26 Joint committee meetings.
- Rule 27 Each house judge of its own membership.
- Rule 28 Sessions of the legislature.
- Rule 29 Amendments to joint rules.
- Rule 30 Joint rules to apply for biennium.
- Rule 31 Open standing committee meeting.
- Rule 32 Standing committees—duties.
- Rule 33 Standing committees—expenses—subpoena power.
- Rule 34 Committee procedures.
- Rule 35 Legislative polling.
- Rule 36 Bills to be engrossed.
- Rule 37 Messages to be received.

CONFLICT OF INTEREST

RULE 1. A legislator has a personal interest which is in conflict with the proper discharge of legislative duties if the legislator has reason to believe or expect that a direct monetary gain or a direct monetary loss will be derived by reason of the legislator's official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than to any other member of such business, profession, occupation, or group.

CODE OF ETHICS

In order to maintain legislative integrity and secure the public interest the following Code of Ethics is adopted for legislators:

(a) Actions which destroy independence of judgment as a legislator:

(1) A legislator shall not vote on or influence legislation in committee or on the floor of either house, where the legislator has a personal interest which is in conflict with the proper discharge of legislative duties.

(2) A legislator shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary.

(3) A legislator shall not ask, receive, or agree to receive anything of value upon any understanding that the legislator's vote, opinion, judgment, or action will be influenced thereby.

(4) A legislator shall not solicit, receive, or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the legislator in the discharge of legislative duties, or was a reward.

(5) A legislator shall not accept any remuneration other than legislative compensation for legislative advice or assistance.

(6) A legislator shall not appear before any department of state government for compensation that is contingent upon action by that department of state government unless the fee is set or approved by that department.

(b) Actions which involve undue influence upon any state agency, court, or governmental subdivision:

(1) A legislator shall not represent clients for compensation in proceedings or hearings before state agencies, boards or commissions involving claims of state employees.

(2) A legislator, singularly or through others, shall not use or attempt to use improper means to influence a state agency, board or commission.

(3) A legislator may use an official title or stationery in connection with a matter or proceeding before a state agency, board or commission, only if done without compensation, in connection with legislative duties.

(4) A legislator shall not represent any claimant for compensation in any claim placed before the legislature.

(5) A legislator shall not receive compensation for an appearance before a state agency as an expert witness.

(c) Actions which constitute an abuse of official position or a violation of public trust:

(1) A legislator shall not accept employment, or engage in any business, or be involved in any activity which one might reasonably expect would require the disclosure of privileged information gained by virtue of holding legislative office.

(2) A legislator shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the Board of Ethics.

EMPLOYEE RESTRICTIONS

RULE 2. Section 1. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair the employee's independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

Section 2. A legislative employee shall not use or attempt to use the employee's official position to (1) personally obtain any privilege, exemption, special treatment or any other thing of value, or (2) obtain any such benefit for others except as required to perform duties within the scope of employment.

Section 3. A legislative employee shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

Section 4. A legislative employee shall not disclose confidential information acquired by reason of the employee's official position to any person or group not entitled to receive such information, nor shall the employee use such information for personal gain or benefit or for the benefit of others.

Section 5. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive

bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

Section 6. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee.

JOINT SESSION

RULE 3. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions: **PROVIDED**, That the lieutenant governor shall not act in said joint session except as the presiding officer, and in no case shall have the right to give the deciding vote.

MOTIONS FOR JOINT SESSION

RULE 4. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

BUSINESS LIMITED

RULE 5. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

CONFERENCE COMMITTEE, REPORTS, ETC.

CONFERENCE COMMITTEE

RULE 6. In every case of difference between the two houses, upon any subject of legislation, the house refusing to recede shall request a conference and appoint a committee of three for that purpose, and the other house shall grant the request for a conference and appoint a like committee to confer. The committees shall meet at the earliest possible hour, to be agreed upon by their respective chairmen, and shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. Except as provided in Rule 8, no conference committee shall consider or report on any matter except that directly at issue between the two houses. The papers shall be left with the conferees of the house requesting such conference, and they shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house: **PROVIDED, HOWEVER**, That in the event five members of the conference committee cannot agree on a request for a free conference report a majority of the conference committee members of each house may report that the committee cannot agree and request the appointment of another committee.

CONFERENCE COMMITTEE APPOINTEES

RULE 7. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions as relates to the subject matter, and to the extent possible the majority and minority political parties.

FREE CONFERENCE REQUEST

RULE 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the title of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of a free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee: **PROVIDED**, That such proposed report may be in the form of a new bill or resolution and such report must have the signatures of five of the six members of the committee.

FREE CONFERENCE COMMITTEE

RULE 9. Upon request for free conference the power of free conference may be granted by the two houses to the same committee, to whom only the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 6. The report of the committee of free conference shall be acted upon in the same manner as provided for reports of conference committees. The report of a free conference committee must have the signatures of five of the six members of the committee.

REPORT OF CONFERENCE AND FREE CONFERENCE COMMITTEE, HOW MADE OUT; WHOM RETURNED TO

RULE 10. Three copies of the report must be prepared in writing, and the original and two copies signed by those agreeing thereto. The copy of the bill as agreed to by the committee with all amendments inserted must be returned to the house asking for such conference and which is in possession of the bill and it shall act upon such report, and if an agreement is reported, keep one of the copies of the report for its journal and duly message its action together with the bill, the original copy of the report and the remaining duplicate to the other house, which if the conference report be concurred in and the bill concurred in as amended, shall be the bill that is finally passed.

Simultaneously with receipt of the report a copy of the report shall be placed upon the desk of each member of the legislature.

ADOPTION OF REPORTS*

RULE 11. The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended.

The report shall be read in full in each house before a vote is taken on the report: **PROVIDED**, That the senate and house, within their own bodies, can suspend the reading of a report in full. The house and senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee and shall not vote thereon until the thirty-six hour period shall have elapsed, except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours: **PROVIDED**, That the foregoing provisions relating to thirty-six and twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.

No floor vote may be taken on any free conference committee report without a summary of additions, changes, and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions.

*Requires a constitutional majority. Requires two-thirds on constitutional amendment.

MESSAGES BETWEEN THE TWO HOUSES

RULE 12. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant.

FINAL ACTION ON BILLS, HOW COMMUNICATED

RULE 13. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

ENROLLED BILLS—PRESIDING OFFICER TO SIGN

RULE 14. After a bill shall have passed both houses and all amendments have been carefully engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature, who, after taking action thereon, shall transmit it to the office of the secretary of state.

DISPOSITION OF ENROLLED BILLS

RULE 15. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

TRANSMISSION OF DOCUMENTS

RULE 16. Each house shall transmit to the other all documents on which any bill or resolution may be founded.

JOINT AND CONCURRENT RESOLUTIONS: MEMORIALS

RULE 17. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, or to the heads of any other branch of the Federal government shall be in the form of joint memorials. Proposed amendments to the state constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, adopting or amending joint rules, closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills.

Concurrent resolutions may be adopted without a roll call: **PROVIDED, HOWEVER,** That concurrent resolutions authorizing investigations, and authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal.

AMENDATORY BILLS

RULE 18. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

AMENDATORY BILLS, HOW DRAWN

RULE 19. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House: PROVIDED, That no amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

AMENDMENTS TO STATE CONSTITUTION: ACTION BY LEGISLATURE

RULE 20. Amendments to the state constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays thereon. (Const., art. 23, sec. 1.)

PUBLICITY OF PROPOSED AMENDMENTS TO STATE CONSTITUTION

RULE 21. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

INITIATIVE PETITION BEFORE THE LEGISLATURE

RULE 22. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session.

Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through their presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment.

After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

ADJOURNMENT

RULE 23. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

ADJOURNMENT SINE DIE

RULE 24. Adjournment sine die shall be made only by concurrent resolution.

COMMITTEE BILLS

RULE 25. During the interim between legislative sessions the membership and structure of each standing committee of each house of the legislature shall be continued for the purpose of studying and making recommendations to any subsequent session.

Each standing committee shall have the following powers and duties:

(1) To perform either through the standing committee as a whole or through subcommittees thereof or select committees thereof all duties and functions customarily delegated to legislative committees acting within the scope of the duties exercised by such committee concerning the subject matter with which the legislative standing committee is generally entrusted during a regular or special legislative session;

(2) To examine and study the administrative organization and procedures of the state government, its officers, boards, committees, commissions, institutions, and other state agencies and to make recommendations where found advisable directed to the elimination of unnecessary overlapping or duplication of functions, procedures, and expenditures and to the promotion of economy and efficiency in state government and as particularly related to the scope of the activities related to the standing legislative committee while the legislature is in session;

(3) To make such other studies and examinations of the state government and its agencies as it may find advisable and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto within the scope of the activities related to the standing legislative committee while the legislature is in session;

(4) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings and recommendations.

For the purposes above mentioned the Facilities and Operations Committee established in the Senate and a corresponding similar committee in the House of Representatives shall be authorized to select such clerical, legal, accounting, research, and other assistants as may be deemed desirable to work for the standing committees established hereby, and the compensation and salary of such employees shall be fixed by such committees in each respective house subject to such legislative appropriations as shall be or have been made for such purposes by the legislature for the Senate and the House of Representatives respectively.

With reference to the studies and investigations to be undertaken, each standing committee may only study subjects, areas and problems assigned to such committee by the respective house or by the rules committees of the respective house.

During the interim between sessions, proposed committee bills which may be developed as a result of the studies and investigations made by such standing committees may be proposed and filed by such committees, and such proposed committee bills shall bear the signature of a majority of the members of such standing committee. Proposed Senate bills shall be filed with the secretary of the Senate. Proposed House bills shall be filed with the chief clerk of the House.

During the interim between legislative sessions such committee bill proposals shall be printed and referred to the committee on rules.

JOINT COMMITTEE MEETINGS

RULE 26. Whenever any standing, select, or special committee of either house shall desire to arrange for a public hearing upon any subject of legislative study pending before such committee, it shall be the duty of the chairperson of such committee to consult with the chairperson of the corresponding committee of the other house and endeavor to arrange a hearing by the joint committees of the two houses.

All joint public hearings held by the committees shall be scheduled at least five days in advance, shall be open to the public, and shall be given publicity: PROVIDED, That the notice and scheduling provision shall not apply to joint hearings held after the tenth day preceding adjournment sine die of any regular session or during any special session.

EACH HOUSE JUDGE OF ITS OWN MEMBERSHIP

RULE 27. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

SESSIONS OF THE LEGISLATURE

RULE 28. The sessions of the legislature shall be held annually, convening at 12 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution.

AMENDMENTS TO JOINT RULES

RULE 29. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

JOINT RULES TO APPLY FOR BIENNIUM

RULE 30. The permanent joint rules adopted at the first regular session shall govern any session called during the same legislative biennium.

OPEN STANDING COMMITTEE MEETING

RULE 31. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the legislature shall be open to the public in accordance with the rules of each house.

STANDING COMMITTEES—DUTIES

RULE 32. (1) All standing, select, and special committees of both houses may take executive action on bills in Olympia only: PROVIDED, HOWEVER,

That committee hearings of either house may be held while the legislature is convened and hearings of standing committees may be held during a recessed or interim period.

(2) The rules committee of either house may provide for schedules, locations, or additional meetings of any standing committee of the same house as may be determined necessary.

(3) Subject to the approval of the rules committee of the appropriate house, standing committees, interim subcommittees, and interim select committees may conduct hearings and scheduling without a quorum being present, but executive action of standing committees shall require a quorum.

STANDING COMMITTEES—EXPENSES—SUBPOENA POWER

RULE 33. Regardless of whether the legislature is in session, and subject to the provisions of Rule 32 to the extent that it is applicable, members of the legislature and the president of the senate may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses and payments in lieu of subsistence and lodging for conducting official business of the legislature.

The legislative committees of the senate and of the house of representatives shall have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the committee on rules of the respective house for specific purposes and for specific subjects in accordance with the authorization of the committee on rules.

COMMITTEE PROCEDURES

RULE 34. Any person whose reputation may be unfairly injured by testimony at a committee hearing shall be given a reasonable opportunity to rebut that testimony. Each committee chairperson shall conduct hearings so as to afford reasonable protection of that right. In addition, any person who believes their reputation may have been unfairly injured by such testimony shall be entitled, upon submitting a timely request, to (1) an accurate record of the pertinent testimony; (2) an opportunity to voluntarily appear before the committee and testify; and (3) an opportunity to file a sworn written statement of facts or other documents for incorporation into the hearing record.

LEGISLATIVE POLLING

RULE 35. The use of public funds by a legislator or legislative employee for legislative polling, including mailed questionnaires, is authorized only when the following criteria are met:

(1) Polling must be authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator, legislative committee, or party caucus conducting the poll must be disclosed to the person being polled;

(3) In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no poll may be conducted by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election: **PROVIDED,** That such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2) and (4) of this rule; and

(4) The polling complies with all other pertinent laws and rules.

BILLS TO BE ENGROSSED

RULE 36. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house: PROVIDED, That the ((~~presiding officer~~)) secretary/clerk of the receiving house may waive the right to receive an engrossed bill.

MESSAGES TO BE RECEIVED

NEW RULE. RULE 37. Any message from the other house, the governor and other state officials delivered to the rostrum during open session shall be received and acted upon during that session day. Any message which may have been transmitted to either house prior to the adoption of these joint rules shall be immediately acted upon. Messages delivered to the secretary of the senate or chief clerk of the house when such bodies are not in session shall be received at the next convening session of that body."

MOTION

Senator Clarke moved the Senate do concur in the House amendment to Senate Concurrent Resolution 103, the joint rules, with the exception of New Rule 37 and ask the House to recede therefrom.

POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, with the exception of this one rule, the other changes, as I read them, within the rules, are really minor. There are some day changes, and I think one item was about enrollment of bills, the process for enrollment of bills.

"And other than this, this is the only major item."

Senator Clarke: "That is my understanding. I also understand that the House is receptive to receding from 37, so I would assume that if we pass these and send it back to the House that we will then have joint rules."

Senator Bottiger: "Senator Clarke, one further question.

"This was the only item, to your knowledge, that I objected to, is that correct?"

Senator Clarke: "As far as I can recall."

Senator Bottiger: "So it is now your caucuses' position that my position was correct in negotiating with the House?"

Senator Clarke: "We are glad to find out that on some occasions, on reflection, we find that your position may have been well taken."

POINT OF INQUIRY

Senator Bottiger: "Will Senator Guess yield to a question? Senator Guess, are you going to send out a newsletter that says I was right, and Polk was wrong, and you now agree with me?"

Senator Guess: "Monday, sir."

The motion by Senator Clarke carried. The Senate concurred in the House amendment to Senate Concurrent Resolution 103 with the exception of the amendment to New Rule 37 and asks the House to recede therefrom.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of the measures on the second reading calendar for today.

SECOND READING

SENATE BILL NO. 3069, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Judicial Council request):

Providing for sentencing after appeals from police court.

REPORT OF STANDING COMMITTEE

January 16, 1981.

SENATE BILL NO. 3069, providing for sentencing after appeals from police court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "court the" strike down to and including the period on line 11 and insert "~~((trial shall be de novo, subjects, however, to the right of the city to file an amended complaint therein:))~~ appeal shall be as provided by supreme court rule. This section applies only when appeal of the judgment is by trial de novo in superior court. The city shall have the right to file an amended complaint in superior court."

Signed by: Senators Talmadge, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

MOTION

On motion of Senator Clarke, further consideration of Senate Bill No. 3069, and the adopted committee amendment, will be held following consideration of Senate Bill No. 3053.

SECOND READING

SENATE BILL NO. 3053, by Senators von Reichbauer, Conner, Gallagher, Guess and Zimmerman (by Department of Licensing request):

Allowing for cancellation of "identcards" issued by the department of licensing.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 3053 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3053 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator McDermott—1.

Absent or not voting: Senator Hughes—1.

Excused: Senators Deccio, Vognild—2.

SENATE BILL NO. 3053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3069, by Senators Talmadge, Clarke, Newhouse and Wojahn (by Judicial Council request):

Providing for sentencing after appeals from police court.

The Senate resumed consideration of Senate Bill No. 3069, as amended by the committee earlier today.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Lee, Zimmerman, McCaslin, Craswell, Lysen, Hurley, Metcalf, Quigg, Peterson, Gallagher, Talley, Benitz, Vognild, Scott, Haley, Guess and Sellar:

On page 1, line 11, following the language added by the Judiciary Committee amendment, insert the following: "If a defendant is convicted in a police court proceeding and is sentenced to any term of imprisonment, the defendant shall be entitled to a trial de novo in superior court notwithstanding the provisions of Rules for Appeal of decisions of Courts of Limited Jurisdiction (Rule 1.1)."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Pullen, I have a sympathy for the intent of this amendment. The reason I am rising, as you may have guessed, pertains to initiative 62.

"Obviously, the counties would pay the cost of the additional trials which could well result from adoption of this amendment. As far as I know, its provisions might even include the numerous situations that come up with respect to drunk drivers who now face an imprisonment of one night.

"An effort is being made during the current legislative session to develop the ground rules for applying section 6 of initiative 62. We are hopeful that these will be approved by the legislature shortly, so that when questions regarding additional impact on local government come up, that each will have some ground rules to go by. We do not yet have them.

"I guess my question then, is whether or not the 62 implications have been considered with respect to placing an additional financial obligation on counties, without putting up the money as is required in section 6 of initiative 62; and secondly, whether that is a fair alliance between the two subjects. You have asked for a local government fiscal note on the ramifications of the amendment because there is a process in place now to seek such a fiscal note."

Senator Pullen: "I thank you, Senator Wilson, for your excellent question.

"I, personally, after researching this very carefully, do not believe it comes under the purview of initiative 62, partly because there is no new program involved here now. Local governments are responsible for funding a portion of the superior court costs. Those costs will fluctuate from time to time for various reasons. In this case it is a very hypothetical situation, whether there would be any additional jury trials at all; and in the event that there were, it is not a new program, it is just simply an application of the current jury trial requirement at the superior court level."

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3069 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3069, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Conner, Wilson—2.

Excused: Senators Deccio, Vognild—2.

ENGROSSED SENATE BILL NO. 3069, 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.

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

On motion of Senator Clarke, Senate Bill 3263 and Senate Joint Resolution 108 will be held on the calendar for February 23, 1981 pending a ruling by the attorney general.

SECOND READING

SENATE BILL NO. 3191, by Senators Talmadge, Hayner, Bottiger and Hughes:

Allowing counties to extend industrial insurance coverage to include juveniles performing community service.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3191 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Deccio, Haley, Vognild—3.

SENATE BILL NO. 3191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3140, by Senators Ridder, Williams, Scott and Lee:

Authorizing the rental of certain city property for gardening.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3140; and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Deccio, Haley, Vognild—3.

SENATE BILL NO. 3140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3232, by Senators von Reichbauer and Guess (by State patrol request):

Authorizing state patrol closures of highways.

MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 3232 was substituted for Senate Bill No. 3232 and the substitute bill was placed on second reading and read the second time in full.

Senator Hansen moved the following amendments be considered and adopted simultaneously:

On page 1, line 10, after "any" and before "highway" insert "federal interstate", and after "highway" strike "or county road"

On page 1, after "thereof," on line 10, insert "and on the approval of the sheriff of the affected county,"

POINT OF INQUIRY

Senator Wilson: "Senator Guess, I am just trying to keep track of this bill and as I understand it now, Senator Hansen's amendment has limited its application to Federal interstate highways in section 1. With section 3, and also he has deleted the patrol's authority over county roads; but in section 3 we still have a reference to county roads, and I wonder just where we are in this bill."

Senator Guess: "Senator Wilson, as so often happens, four amendments do not have the opportunity of having been thoroughly looked at, and you have pointed out something that I think I would like to move that the bill be placed on second reading calendar for Monday."

MOTION

On motion of Senator Guess, Substitute Senate Bill No. 3232, as amended by Senator Hansen, was ordered held for further consideration on February 23, 1981.

SECOND READING

SENATE BILL NO. 3233, by Senators von Reichbauer and Guess (by State Patrol request):

Revising vehicle accident reporting procedure.

REPORT OF STANDING COMMITTEE

January 29, 1981.

SENATE BILL NO. 3233, revising vehicle accident reporting procedure (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3, after "vehicle" insert "in the course of their official duties"

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Charnley, Gallagher, Guess, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 3233 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Guess, something unusual has been taking place in terms of these bills, I was just wondering.

"Are you or are you not, the chairman of transportation . . . ?"

Senator Guess: "I am not the chairman of the committee."

Senator Fleming: "Oh, I am sorry. The reason I was asking because I have noticed over the last few days, and I know the wealth of knowledge that you have in transportation, that the prime sponsor of most of these transportation bills, and the one who is listed as chairman, is not handling any of these transportation bills on the floor; and I was just wondering, you know, it is sort of unusual, that's all."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3233, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Woody, Zimmerman—42.

Voting nay: Senators Bluechel, Conner, Scott, Wojahn—4.

Excused: Senators Deccio, Haley, Vognild—3.

ENGROSSED SENATE BILL NO. 3233, 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.

MOTIONS

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

Senator Hayner moved adoption of the following resolution:

SENATE RESOLUTION 1981—21

By Senators Hayner, Jones and Clarke:

WHEREAS, The Senate recognizes the security of the citizenry in their persons, homes, work, and recreation should be of paramount importance to all governments; and

WHEREAS, Providing that measure of safety requires not only sound criminal statutes, but also dedicated and thoughtful law enforcement officers and fair and impartial criminal procedures; and

WHEREAS, The Legislature must always guard the citizens right to be free from unjustified harassment from the law enforcement system;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby creates the Select Committee on Criminal Justice Reform, composed of six members, appointed by the president, three to be recommended by the majority leader of the Senate and three to be recommended by the minority leader of the Senate; and

BE IT FURTHER RESOLVED, That the Select Committee on Criminal Justice Reform shall be empowered to hold hearings during any regular or special legislative session and during the interim, and shall cease to exist on January 30, 1982; and

BE IT FURTHER RESOLVED, That the committee shall investigate, study and make recommendations in areas of public safety and criminal justice, including law enforcement procedures, prosecutorial discretion, sentencing guidelines, judicial sentencing and review, probation, jurisdiction of the Board of Prison Terms and Parole, institutional facilities, Department of Social and Health Services procedures and practices related to the criminal justice system, and general criminal procedures; and

BE IT FURTHER RESOLVED, That the committee may conduct hearings and act on bills referred to it by the Judiciary Committee, after which such bills shall be returned to the Judiciary Committee for possible executive action; and

BE IT FURTHER RESOLVED, That the committee may conduct hearings and act on bills referred to it by the Judiciary Committee, after which such bills shall be returned to the Judiciary Committee for possible executive action; and

BE IT FURTHER RESOLVED, That the Select Committee on Criminal Justice Reforms, hereby created, shall from time to time report any of its recommendations to the standing committee on Judiciary prior to January 30, 1982; and

BE IT FURTHER RESOLVED, That the staff of the Judiciary Committee shall staff the Select Committee created hereby, and that meetings may be held in Olympia, and, with concurrence of the committee on Facilities and Operations, at selected sites throughout the state of Washington.

Debate ensued.

The motion by Senator Hayner carried and the resolution was adopted.

REQUEST FOR USE OF SENATE CHAMBERS

Senator Gould requested use of the Senate Chambers for a hearing to be conducted by the Committee on Energy and Utilities this afternoon at 2:00 p.m.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gould, is that the light brigade?"

Senator Gould: "Yes, indeed it is."

Senator Rasmussen: "Well, I just had a conversation with them up in my office with part of them. They are concerned with the cost overruns on WPPSS, that is . . ."

Senator Gould: "I think they came to my office, too; not all, nobody came to my office, not all 250. I understand."

Senator Rasmussen: "Is that the subject of the meeting, the hearing today?"

Senator Gould: "Yes, it is. Right."

Senator Rasmussen: "Thank you."

The request by Senator Gould was granted. Use of the Senate Chamber was permitted.

MOTION

At 12:40 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Monday, February 23, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 23, 1981.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hayner and Vognild. On motion of Senator Bluechel, Senator Hayner was excused. On motion of Senator Ridder, Senator Vognild was excused.

The Color Guard, consisting of Pages Brent Diamond and Dan Uhlman, presented the Colors. Reverend Frank L. Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 1981.

SENATE BILL NO. 3151, making miscellaneous changes in law relating to credit unions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3205, modifying provisions regulating savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 3205 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1981.

SENATE BILL NO. 3343, modifying the interagency committee for outdoor recreation (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3536, authorizing parity between state and federal savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1981.

SENATE BILL NO. 3617, implementing law relating to use of associated student body funds (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1981.

SENATE BILL NO. 3632, modifying provisions relating to branch banking (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 20, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 55,

SUBSTITUTE HOUSE BILL NO. 107,

SUBSTITUTE HOUSE BILL NO. 112,

SUBSTITUTE HOUSE BILL NO. 177,

SUBSTITUTE HOUSE BILL NO. 222,

HOUSE BILL NO. 227,

HOUSE BILL NO. 238,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308,

HOUSE BILL NO. 361, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 20, 1981.

Mr. President: The House has passed: REENGROSSED HOUSE BILL NO. 52, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 20, 1981.

Mr. President: The House has adopted: ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4062, by Senator Quigg:

AN ACT Relating to community college districts; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 324, Laws of 1977 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 79, chapter 37, Laws of 1980 and RCW 82.12.020; amending section 6, chapter 94, Laws of 1970 ex. sess. as amended by section 3, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.060; amending section 28B.50.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 75, Laws of 1977 and RCW 28B.50.130; amending section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 12, chapter 62, Laws of 1973 and RCW 28B.50.030; amending section 1, chapter 105, Laws of 1973 as amended by section 1, chapter

131, Laws of 1977 ex. sess. and RCW 28B.50.092; amending section 1, chapter 129, Laws of 1973 and RCW 28B.50.095; amending section 6, chapter 14, Laws of 1979 as amended by section 11, chapter 226, Laws of 1979 ex. sess. and RCW 28B.50.140; amending section 28B.50.250, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.250; amending section 18, chapter 15, Laws of 1970 ex. sess. as amended by section 18, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.340; amending section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.350; amending section 20, chapter 15, Laws of 1970 ex. sess. as last amended by section 4, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.360; amending section 28B.50.370, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.370; amending section 7, chapter 112, Laws of 1974 ex. sess. and RCW 28B.50.409; amending section 28B.50.520, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.520; amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 3, chapter 182, Laws of 1980 and RCW 28B.50.551; amending section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 112, Laws of 1975 1st ex. sess. and RCW 28B.50.851; amending section 2, chapter 164, Laws of 1975 1st ex. sess. and RCW 28B.10.295; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400; amending section 3, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.401; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.415; amending section 1, chapter 14, Laws of 1979 and RCW 28B.10.420; amending section 28B.10.700, chapter 223, Laws of 1969 ex. sess. as amended by section 31, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.700; amending section 1, chapter 23, Laws of 1972 ex. sess. as amended by section 17, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.840; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; amending section 10, chapter 59, Laws of 1970 ex. sess. as amended by section 14, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.525; amending section 11, chapter 279, Laws of 1971 ex. sess. as amended by section 39, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.530; amending section 2, chapter 82, Laws of 1979 and RCW 28B.15.535; amending section 2, chapter 157, Laws of 1975 1st ex. sess. and RCW 28B.15.540; amending section 1, chapter 80, Laws of 1979 and RCW 28B.15.730; amending section 2, chapter 80, Laws of 1979 and RCW 28B.15.732; amending section 2, chapter 36, Laws of 1969 ex. sess. as amended by section 41, chapter 169, Laws of 1977 ex. sess. and RCW 28B.16.020; amending section 4, chapter 36, Laws of 1969 ex. sess. as amended by section 1, chapter 94, Laws of 1977 ex. sess. and RCW 28B.16.040; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 8, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.080; amending section 9, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.090; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 151, Laws of 1979 and RCW 28B.16.100; amending section 19, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.190; amending section 20, chapter 36, Laws of 1969 ex. sess. as amended by section 18, chapter 151, Laws of 1979 and RCW 28B.16.200; amending section 3, chapter 277, Laws of 1969 ex. sess. as

amended by section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80-.030; amending section 4, chapter 277, Laws of 1969 ex. sess. as last amended by section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040; amending section 6, chapter 277, Laws of 1969 ex. sess. as amended by section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060; amending section 9, chapter 277, Laws of 1969 ex. sess. as last amended by section 22, chapter 151, Laws of 1979 and RCW 28B.80.080; amending section 14, chapter 277, Laws of 1969 ex. sess. as amended by section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80-.900; amending section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C-.04.030; amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; amending section 7, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.150; amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 14, chapter 87, Laws of 1980 and RCW 41.06.070; amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240; amending section 43.19.1902, chapter 8, Laws of 1965 as last amended by section 97, chapter 151, Laws of 1979 and RCW 43.19.1902; amending section 10, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.055; amending section 3, chapter 77, Laws of 1969 ex. sess. as amended by section 2, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.08.012; amending section 2, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.020; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; adding a new section to chapter 82.14 RCW; repealing section 28B.50.050, chapter 223, Laws of 1969 ex. sess., section 19, chapter 261, Laws of 1969 ex. sess., section 13, chapter 62, Laws of 1973, section 74, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.050; repealing section 28B.50.060, chapter 223, Laws of 1969 ex. sess., section 20, chapter 261, Laws of 1969 ex. sess., section 14, chapter 62, Laws of 1973, section 8, chapter 46, Laws of 1973 1st ex. sess., section 75, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.060; repealing section 28B.50.070, chapter 223, Laws of 1969 ex. sess., section 15, chapter 62, Laws of 1973, section 26, chapter 75, Laws of 1977 and RCW 28B.50.070; repealing section 28B.50.080, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.080; repealing section 28B.50.090, chapter 223, Laws of 1969 ex. sess., section 21, chapter 261, Laws of 1969 ex. sess., section 16, chapter 62, Laws of 1973, section 4, chapter 282, Laws of 1977 ex. sess., section 20, chapter 151, Laws of 1979 and RCW 28B.50-.090; repealing section 2, chapter 105, Laws of 1973 and RCW 28B.50.093; repealing section 28B.50.100, chapter 223, Laws of 1969 ex. sess., section 22, chapter 261, Laws of 1969 ex. sess., section 17, chapter 62, Laws of 1973, section 2, chapter 282, Laws of 1977 ex. sess., section 1, chapter 103, Laws of 1979 ex. sess. and RCW 28B.50.100; repealing section 3, chapter 282, Laws of 1977 ex. sess. and RCW 28B.50.101; repealing section 28B.50.130, chapter 223, Laws of 1969 ex. sess., section 18, chapter 62, Laws of 1973, section 27, chapter 75, Laws of 1977 and RCW 28B.50.130; and repealing section 3, chapter 120, Laws of 1979 ex. sess. and RCW 28A.58.248.

Referred to Committee on Higher Education.

SENATE BILL NO. 4063, by Senators Gould, Moore, Haley, Scott, Talmadge, Gallagher and Charnley:

AN ACT Relating to the sale and use of traps; adding a new chapter to Title 77 RCW; and providing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4064, by Senators Lee and Talley:

AN ACT Relating to annexation of territory by water districts and sewer districts; adding new sections to chapter 56.24 RCW; and adding new sections to chapter 57.24 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4065, by Senator Benitz:

AN ACT Relating to compensation for government interference with private property rights; creating a new chapter in Title 64 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4066, by Senators Charnley and Zimmerman:

AN ACT Relating to local government; amending and reenacting section 35.13.172, chapter 7, Laws of 1965 as amended by section 15, chapter 164, Laws of 1973 1st ex. sess. and by section 14, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.13.172; amending section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 15, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.14.050; amending section 35A.14.220, chapter 119, Laws of 1967 ex. sess. as last amended by section 27, chapter 18, Laws of 1979 ex. sess. and RCW 35A.14.220; amending section 1, chapter 189, Laws of 1967 and RCW 36.93.010; amending section 2, chapter 189, Laws of 1967 as amended by section 5, chapter 30, Laws of 1979 ex. sess. and RCW 36.93.020; amending section 3, chapter 189, Laws of 1967 as amended by section 1, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.030; amending section 4, chapter 189, Laws of 1967 and RCW 36.93.040; amending section 7, chapter 189, Laws of 1967 and RCW 36.93.070; amending section 8, chapter 189, Laws of 1967 as amended by section 4, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.080; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 10, chapter 189, Laws of 1967 and RCW 36.93.100; amending section 11, chapter 189, Laws of 1967 as amended by section 42, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.93.110; amending section 12, chapter 189, Laws of 1967 as amended by section 6, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.120; amending section 14, chapter 189, Laws of 1967 and RCW 36.93.140; amending section 15, chapter 189, Laws of 1967 as last amended by section 13, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.150; amending section 16, chapter 189, Laws of 1967 as last amended by section 97, chapter 81, Laws of 1971 and RCW 36.93.160; amending section 17, chapter 189, Laws of 1967 as amended by section 1, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.170; amending section 22, chapter 189, Laws of 1967 and RCW 36.93.220; amending section 1, chapter 139, Laws of 1971 ex. sess. and RCW 56.02.060; amending section 2, chapter 139, Laws of 1971 ex. sess. and RCW 57.02.040; adding a new section to chapter 36.32 RCW; adding new sections to chapter 36.93 RCW; repealing section 5, chapter 189, Laws of 1967, section 1, chapter 98, Laws of 1967 ex. sess., section 2, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.050; repealing section 6, chapter 189, Laws of 1967, section 3, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.060; repealing section 10, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.920; and repealing section 3, chapter 139, Laws of 1971 ex. sess. and RCW 56.02.070.

Referred to Committee on Local Government.

SENATE BILL NO. 4067, by Senators Quigg and Gallagher:

AN ACT Relating to the public employees' retirement system; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4068, by Senator Quigg:

AN ACT Relating to commercial salmon fishing; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; amending section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4069, by Senators Quigg and Zimmerman:

AN ACT Relating to business and occupation taxation; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4070, by Senators Quigg and Guess:

AN ACT Relating to Washington state ferries; and creating new sections.

Referred to Committee on Transportation.

SENATE BILL NO. 4071, by Senators Quigg and Haley:

AN ACT Relating to drugless healing; amending section 19, chapter 192, Laws of 1909 as last amended by section 5, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.030; amending section 14, chapter 122, Laws of 1969 and RCW 18.100.140; repealing section 13, chapter 36, Laws of 1919 and RCW 18.36.010; repealing section 12, chapter 36, Laws of 1919 and RCW 18.36.020; repealing section 8, chapter 36, Laws of 1919 and RCW 18.36.030; repealing section 3, chapter 36, Laws of 1919, section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040; repealing section 11, chapter 36, Laws of 1919, section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050; repealing section 4, chapter 36, Laws of 1919 and RCW 18.36.060; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 1, chapter 83, Laws of 1953, section 7, chapter 266, Laws of 1971 ex. sess., section 41, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.115; repealing section 14, chapter 36, Laws of 1919 and RCW 18.36.120; repealing section 7, chapter 36, Laws of 1919 and RCW 18.36.130; repealing section 10, chapter 36, Laws of 1919 and RCW 18.36.140; repealing section 9, chapter 36, Laws of 1919 and RCW 18.36.150; repealing section 17, chapter 36, Laws of 1919 and RCW 18.36.165; repealing section 1, chapter 10, Laws of 1925 and RCW 18.36.170; repealing section 2, chapter 10, Laws of 1925 and RCW 18.36.200; repealing section 3, chapter 10, Laws of 1925 and RCW 18.36.210; repealing section 4, chapter 10, Laws of 1925 and RCW 18.36.220; repealing section 5, chapter 10, Laws of 1925 and RCW 18.36.230; repealing section 6, chapter 10, Laws of 1925 and RCW 18.36.240; and repealing section 7, chapter 10, Laws of 1925 and RCW 18.36.245.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4072, by Senators Benitz, Talley and Fuller:

AN ACT Relating to revenue and taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. as amended by section 1, chapter 6, Laws of 1979 and RCW 84.33.071; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 9, chapter 294, Laws of 1971 ex. sess. as amended by section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090; amending section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.110; amending section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115; amending section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 134, Laws of 1980 and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 134, Laws of 1980 and RCW 84.33.140; amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060; amending section 82.32.010, chapter 15, Laws of 1961 and RCW 82.32.010; amending section 14, chapter 154, Laws of 1980 (uncodified); adding new sections to chapter 84.28 RCW; creating new sections; repealing section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111; repealing section 16, chapter 187, Laws of 1974 ex. sess.

and RCW 84.33.117; repealing section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150; repealing section 9, chapter 187, Laws of 1974 ex. sess., section 4, chapter 6, Laws of 1979 and RCW 84.33.200; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4073, by Senator Quigg:

AN ACT Relating to institutions of higher education; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.100; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; repealing section 1, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.011; repealing section 2, chapter 273, Laws of 1971 ex. sess., section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012; repealing section 3, chapter 273, Laws of 1971 ex. sess., section 2, chapter 149, Laws of 1972 ex. sess., section 1, chapter 15, Laws of 1979 ex. sess. and RCW 28B.15.013; repealing section 4, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.014; repealing section 1, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.060; repealing section 7, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.070; repealing section 8, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.075; repealing section 3, chapter 322, Laws of 1979 ex. sess. and RCW 28B.15.201; repealing section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401; repealing section 28B.15.500, chapter 223, Laws of 1969 ex. sess., section 10, chapter 279, Laws of 1971 ex. sess., section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; repealing section 1, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.550; repealing section 2, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.551; repealing section 3, chapter 265, Laws of 1977 ex. sess. and RCW 28B.15.552; repealing section 1, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.553; repealing section 3, chapter 155, Laws of 1977 ex. sess. and RCW 28B.15.554; repealing section 1, chapter 19, Laws of 1979 ex. sess. and RCW 28B.15.557; repealing section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.710; repealing section 1, chapter 80, Laws of 1979 and RCW 28B.15.730; repealing section 2, chapter 80, Laws of 1979 and RCW 28B.15.732; repealing section 3, chapter 80, Laws of 1979 and RCW 28B.15.734; repealing section 4, chapter 80, Laws of 1979 and RCW 28B.15.736; repealing section 2, chapter 262, Laws of 1979 ex. sess. and RCW 28B.15.742; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 4074, by Senator Quigg:

AN ACT Relating to the state arts commission; repealing section 43.46.010, chapter 8, Laws of 1965 and RCW 43.46.010; repealing section 43.46.020, chapter 8, Laws of 1965, section 3, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.020; repealing section 43.46.030, chapter 8, Laws of 1965, section 4, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.030; repealing section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; repealing section 43.46.050, chapter 8, Laws of 1965 and RCW 43.46.050; repealing section 1, chapter 125, Laws of 1967 ex. sess. and RCW 43.46.055; repealing section 43.46.060, chapter 8, Laws of 1965 and RCW 43.46.060; repealing section 43.46.070, chapter 8, Laws of 1965 and RCW 43.46.070; repealing section 43.46.080, chapter 8, Laws of 1965 and RCW 43.46.080; repealing section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; repealing section 4, chapter 176, Laws of 1974 ex. sess., section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025; repealing section 3, chapter 176, Laws

of 1974 ex. sess. and RCW 43.19.455; and repealing section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200.

Referred to Committee on State Government.

SENATE BILL NO. 4075, by Senators Quigg and Deccio:

AN ACT Relating to state government; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 4076, by Senators Quigg and Pullen:

AN ACT Relating to state investments; and amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 20, chapter ___ (HB 1610), Laws of 1981 and RCW 43.84.150.

Referred to Committee on State Government.

SENATE BILL NO. 4077, by Senators Quigg and Fuller:

AN ACT Relating to business regulation; creating a new chapter in Title 18 RCW; and creating a new chapter in Title 19 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4078, by Senators Scott, Jones, Hayner and Craswell (by Governor Spellman request):

AN ACT Relating to the budget and revenues of the state of Washington; creating a new account in the general fund; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 139, chapter 151, Laws of 1979 and RCW 43.88.160; adding new sections to chapter 43.88 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4079, by Senators Craswell and Bauer:

AN ACT Relating to denturists; amending section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32-.030; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4080, by Senators Wilson, Guess and Sellar:

AN ACT Relating to motor vehicles; and amending section 1, chapter 196, Laws of 1975 1st ex. sess. as amended by section 21, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.160.

Referred to Committee on Transportation.

SENATE BILL NO. 4081, by Senators von Reichbauer, Quigg and Gaspard:

AN ACT Relating to bailees; adding new sections to chapter 63.24 RCW; repealing section 3252, Code of 1881 and RCW 63.24.010; repealing section 3253, Code of 1881 and RCW 63.24.020; repealing section 3254, Code of 1881 and RCW 63.24.030; repealing section 3255, Code of 1881 and RCW 63.24.040; repealing section 3256, Code of 1881 and RCW 63.24.050; repealing section 3257, Code of 1881 and RCW 63.24.060; repealing section 3258, Code of 1881 and RCW 63.24-.070; repealing section 3259, Code of 1881 and RCW 63.24.080; repealing section 3260, Code of 1881 and RCW 63.24.090; repealing section 3261, Code of 1881 and RCW 63.24.100; repealing section 3262, Code of 1881 and RCW 63.24.110; repealing section 3263, Code of 1881 and RCW 63.24.120; repealing section 3264, Code of 1881 and RCW 63.24.130; and repealing section 3265, Code of 1881 and RCW 63.24.140.

Referred to Judiciary Committee.

SENATE BILL NO. 4082, by Senators Hemstad, Talmadge and Clarke:

AN ACT Relating to the criminal justice training commission; adding a new section to chapter 43.101 RCW; repealing section 6, chapter 99, Laws of 1979 and RCW 43.131.159; and repealing section 48, chapter 99, Laws of 1979 and RCW 43.131.160.

Referred to Judiciary Committee.

SENATE BILL NO. 4083, by Senators Hemstad, Talmadge and Clarke:

AN ACT Relating to the judiciary; amending section 3, chapter 259, Laws of 1957 and RCW 2.56.030; amending section 1, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010; amending section 3, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 55, Laws of 1979 ex. sess. and RCW 43.101.030; amending section 9, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.090; amending section 10, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.100; amending section 11, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.110; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4084, by Senators Hemstad, Craswell, Kiskaddon, Haley and Metcalf:

AN ACT Relating to labor and employment of prisoners; amending section 2, chapter 183, Laws of 1923 as last amended by section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020; amending section 72.64.020, chapter 28, Laws of 1959 as amended by section 266, chapter 141, Laws of 1979 and RCW 72.64.020; and amending section 72.64.060, chapter 28, Laws of 1959 as last amended by section 269, chapter 141, Laws of 1979 and RCW 72.64.060.

Referred to Judiciary Committee.

SENATE BILL NO. 4085, by Senators Gould, Williams and Newhouse (by Governor Spellman request):

AN ACT Relating to the energy office; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.010; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.21F RCW; repealing section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; repealing section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; repealing section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; repealing section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; repealing section 5, chapter 161, Laws of 1980 and RCW 43.96C.050; repealing section 10, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.078; repealing section 1, chapter 10, Laws of 1965 and RCW 43.31.280; repealing section 3, chapter 10, Laws of 1965 and RCW 43.31.290; repealing section 5, chapter 10, Laws of 1965, section 11, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.300; repealing section 8, chapter 10, Laws of 1965 and RCW 43.31.310; repealing section 9, chapter 10, Laws of 1965 and RCW 43.31.320; repealing section 7, chapter 10, Laws of 1965 and RCW 43.31.330; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; repealing section 16, chapter 99, Laws of 1979 and RCW 43.131.179; repealing section 58, chapter 99, Laws of 1979 and RCW 43.131.180; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4086, by Senator Metcalf:

AN ACT Relating to precinct committeemen.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4087, by Senator Benitz:
AN ACT Relating to cloud seeding.
Referred to Committee on Agriculture.

SENATE BILL NO. 4088, by Senator Benitz:
AN ACT Relating to the open-door policy at community colleges.
Referred to Committee on Higher Education.

SENATE BILL NO. 4089, by Senator Benitz:
AN ACT Relating to faculty and staff salaries at institutions of higher
education.

Referred to Committee on Higher Education.

SENATE BILL NO. 4090, by Senator Benitz:
AN ACT Relating to tuition and fees.
Referred to Committee on Higher Education.

SENATE BILL NO. 4091, by Senator Benitz:
AN ACT Relating to enrollment policy at institutions of higher education.
Referred to Committee on Higher Education.

SENATE BILL NO. 4092, by Senator Benitz:
AN ACT Relating to the equalization of tuition and fees between community
college and vocational-technical institutions.

Referred to Committee on Higher Education.

SENATE BILL NO. 4093, by Senator Williams:
AN ACT Relating to the Washington state energy office.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4094, by Senator Metcalf:
AN ACT Relating to pornography.
Referred to Judiciary Committee.

SENATE BILL NO. 4095, by Senator Metcalf (by Secretary of State
request):

AN ACT Relating to corporate license fees.
Referred to Committee on State Government.

SENATE BILL NO. 4096, by Senator Clarke (by Secretary of State request):
AN ACT Relating to terms of judges of the court of appeals.
Referred to Judiciary Committee.

SENATE BILL NO. 4097, by Senator Pullen:
AN ACT Relating to rape.
Referred to Judiciary Committee.

SENATE BILL NO. 4098, by Senator Pullen:
AN ACT Relating to rape.
Referred to Judiciary Committee.

SENATE BILL NO. 4099, by Senator Pullen:
AN ACT Relating to robbery.
Referred to Judiciary Committee.

SENATE BILL NO. 4100, by Senator Pullen:
AN ACT Relating to kidnaping.
Referred to Judiciary Committee.

SENATE BILL NO. 4101, by Senator Pullen:
AN ACT Relating to kidnaping.
Referred to Judiciary Committee.

SENATE BILL NO. 4102, by Senator Pullen:
AN ACT Relating to robbery.
Referred to Judiciary Committee.

SENATE BILL NO. 4103, by Senator Metcalf (by Secretary of State request):

AN ACT Relating to corporations.
Referred to Committee on State Government.

SENATE BILL NO. 4104, by Senator Pullen:
AN ACT Relating to arson.
Referred to Judiciary Committee.

SENATE BILL NO. 4105, by Senator Pullen:
AN ACT Relating to arson.
Referred to Judiciary Committee.

SENATE BILL NO. 4106, by Senator Pullen:
AN ACT Relating to prison overcrowding.
Referred to Judiciary Committee.

SENATE BILL NO. 4107, by Senator Pullen:
AN ACT Relating to prisoners' schedules.
Referred to Judiciary Committee.

SENATE BILL NO. 4108, by Senator Pullen:
AN ACT Relating to sentencing.
Referred to Judiciary Committee.

SENATE BILL NO. 4109, by Senator Pullen:
AN ACT Relating to burglary.
Referred to Judiciary Committee.

SENATE BILL NO. 4110, by Senator Pullen:
AN ACT Relating to burglary.
Referred to Judiciary Committee.

SENATE BILL NO. 4111, by Senator Pullen:
AN ACT Relating to assault.
Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 111, by Senators Quigg, Lysen and McDermott:

Requesting repeal of the Price-Anderson Act.
Referred to Committee on Energy and Utilities.

SENATE JOINT RESOLUTION NO. 124, by Senators Quigg, Guess and Deccio:

Providing that the operation of ferries is not a highway purpose.
Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 125, by Senators Quigg and Zimmerman:

Proposing constitutional amendment allowing loans to students attending Washington's institutions of higher education.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 126, by Senators Hemstad, Charnley, Gould and Gallagher:

Amending Constitution to provide Home Rule for county government and authorizing the development of optional home rule charters.

Referred to Committee on Constitutions and Elections.

FIRST READING OF HOUSE BILLS

REENGROSSED HOUSE BILL NO. 52, by Representatives Vander Stoep, Galloway, Taylor, Winsley, Cantu, Patrick, Williams and Houchen:

Giving school administrators authority to order those persons appearing under the influence of alcohol or drugs off school property.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 55, by Committee on State Government (originally sponsored by Representatives Taller and Williams):

Revising the law pertaining to the adjutant general and military department.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 107, by Committee on Transportation (originally sponsored by Committee on Transportation and Representatives Wilson, Nelson (G), Garrett, and Gallagher (by Department of Transportation request)):

Prohibiting abandoning junk vehicles in public parking lots.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 112, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representative Ellis):

Enacting the Washington uniform limited partnership act.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 177, by Committee on State Government (originally sponsored by Committee on State Government and Representative Addison):

Establishing uniform compensation classes for state boards and commission.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 222, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Becker, Tupper, Padden, Patrick, Granlund, Bickham, Salatino and Tilly):

Adopting the Uniform Law Commission's 1972 amendment to the Uniform Commercial Code.

Referred to Judiciary Committee.

HOUSE BILL NO. 227, by Committee on Transportation and Representative Wilson:

Permitting heavier loads on certain highways by special permit.

Referred to Committee on Transportation.

HOUSE BILL NO. 238, by Committee on Ethics, Law and Justice and Representatives Salatino, Bickham, Granlund, Ellis, Padden, Patrick, Tupper, Becker, Pruitt and Wang:

Changing incorporating requirements and modifying liability of corporation directors.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell):

Modifying regulations governing funeral directors and embalmers.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 361, by Committee on Higher Education and Representatives Teutsch and Ellis:

Providing for removal of members of community college board of trustees by the governor.

Referred to Committee on Higher Education.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4, by Committee on Labor and Economic Development and Representatives Patrick, Sanders, Scott, Flanagan, Smith, Garrett, Brown, Barrett, Hankins, Clayton, Eberle and Warnke:

Declaring foreign trade policy.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Clarke, the measures on the Introduction and First Reading calendar were ordered referred as indicated on the list on the desk of each member.

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Guess announced the presence in the Senate Chamber of Henry Wong, Director Coordinator for the Council of North American Affairs from the Republic of China. The President Pro Tempore appointed Senators Jones, Clarke, Rasmussen and Goltz to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Mr. Wong to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

MOTION

At 11:20 a.m., on motion of Senator Clarke, the Senate recessed until 12:00 noon.

NOON SESSION

President Pro Tempore Guess called the Senate to order at 12:00 noon.

MOTIONS

On motion of Senator Ridder, Senator Rasmussen was excused.

On motion of Senator Clarke, Senate Bill 3263, Senate Bill 3232 and Senate Joint Resolution No. 108 were ordered held for consideration on February 25, 1981.

SECOND READING

SENATE BILL NO. 3234, by Senators von Reichbauer and Guess (by State Patrol request):

Revising vehicle accident reporting procedures.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3234 was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Sellar, when someone is investigating an accident report, obviously it is of value to have what the state patrol officer said he thinks happened; he is seldom personally there. But it is also valuable to have what the driver said happened.

"Now how would an attorney or an insurance adjuster or something get the information as to what each of the drivers said?"

Senator Sellar: "I am not sure I can answer that question, Senator. How do you get it now?"

Senator Bottiger: "From the state patrol because under the old law, both drivers' copy of the accident report was sent to the state patrol."

Senator Sellar: "And this would preclude that?"

Senator Bottiger: "As I read the bill; perhaps the chairman of the committee could tell me how it works."

Senator Sellar: "I would assume that information would be available to you under this new bill the same as it would be on the old."

Senator Bottiger: "Well, that is not what it says. It says, if the state patrol investigates the report, or the accident, then you need not send the drivers' reports to the state patrol."

Senator Sellar: "Perhaps, Mr. President, we could move this bill down one so that Senator Bottiger could find out the answer to his question."

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3234 on third reading was ordered held for further consideration following Senate Bill No. 3109.

On motion of Senator Clarke, Senate Bill No. 3064 was ordered held following consideration of Senate Bill No. 3052.

On motion of Senator Clarke, Senate Bill No. 3051 was ordered held for distribution of amendments.

SECOND READING

SENATE BILL NO. 3052, by Senators von Reichbauer, Conner, Gallagher and Guess (by Department of Licensing request):

Changing the availability of certain driver records.

REPORT OF STANDING COMMITTEE

January 26, 1981.

SENATE BILL NO. 3052, changing the availability of certain driver records (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, after "activity." insert "The department may also provide a print to the driver's next of kin in the event the driver is deceased."

Signed by: Senators von Reichbauer, Chairman; Hansen, Vice Chairman; Talley, Vice Chairman; Benitz, Charnley, Gallagher, Kiskaddon, Metcalf, Patterson, Peterson, Sellar, Vognild.

The bill was read the second time by sections.

On motion of Senator Patterson, the committee amendment was adopted.

Senator Patterson moved adoption of the following amendment by Senator von Reichbauer:

On page 1, line 19, add a new section as follows:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The motion by Senator Patterson carried and the amendment was adopted.

Senator Patterson moved adoption of the following amendment to the title:

On page 1, line 1 of the title, after "records;" strike "and" and on line 3 after "46.20.118" insert "; and declaring an emergency"

Debate ensued.

The motion by Senator Patterson failed and the amendment to the title was not adopted on a rising vote.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3052, as amended, was ordered held for further consideration February 24, 1981.

On motion of Senator Clarke, the Senate commenced consideration of gubernatorial appointment 374, Rolland A. Schmitten.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Sellar, the appointment of Rolland A. Schmitten as Director of the Department of Fisheries was confirmed.

APPOINTMENT OF ROLLAND A. SCHMITTEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Hayner, Rasmussen, Vognild—3.

SECOND READING

SENATE BILL NO. 3064, by Senators von Reichbauer, Sellar, Talley, Guess and Zimmerman) (by Department of Transportation request):

Prohibiting abandoning junk vehicles in public parking lots.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 3064 was substituted for Senate Bill No. 3064 and the substitute bill was placed on second reading and read the second time in full.

Senator Zimmerman moved adoption of the following amendment:

On page 2, line 14, insert the following additional sections:

"Sec. 3. Section 1, chapter 111, Laws of 1971 ex. sess. as amended by section 18, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.145 are each amended to read as follows:

For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than twenty-four hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for twenty-four hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) ~~((Without a valid, current registration plate;~~

(f)) Having a fair market value ((equivalent to)) less than the value of the scrap therein((-only)) plus the costs of impoundment, storage, and sale at auction as an abandoned vehicle or abandoned vehicle hulk.

(2) "Motor vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage.

Sec. 4. Section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the license number and serial number or vehicle identification number if available, and shall also detail the damage or missing equipment to verify that the value of such abandoned junk vehicle is ((equivalent to)) less than the value of the scrap metal therein((-only)) plus the costs of impoundment, storage, and sale at auction as an abandoned vehicle or abandoned vehicle hulk.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund."

Re-number the section following consecutively.

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3064 together with the pending amendment by Senator Zimmerman was ordered held for further consideration February 24, 1981.

SECOND READING

SENATE BILL NO. 3075, by Senators Bauer and Lee.

Authorizing the investment of water and sewer district funds in interest-bearing demand accounts.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3075 was substituted for Senate Bill No. 3075 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the following amendments were considered and adopted simultaneously:

On page 1, line 13, after "in" strike "a demand" and insert "an"

On page 1, line 25, after "in" strike "a demand" and insert "an"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Substitute Senate Bill No. 3075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3075, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Quigg—1.

Excused: Senators Hayner, Rasmussen, Vognild—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3075, 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

At 12:36 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Tuesday, February 24, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 24, 1981.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Vognild. On motion of Senator Ridder, Senator Vognild was excused.

The Color Guard, consisting of Pages Dan Grant and Eric Durpos, presented the Colors. Reverend Frank L. Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1981.

SENATE BILL NO. 3298, permitting a jury to be selected in another county to accomplish a change of venue (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 19, 1981.

SENATE BILL NO. 3715, modifying civil procedure (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 23, 1981.

HOUSE BILL NO. 103, making an appropriation for the Urban Arterial Board (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Conner, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 24, 1981.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 8,

HOUSE CONCURRENT RESOLUTION NO. 9, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 8,

HOUSE CONCURRENT RESOLUTION NO. 9.

ACKNOWLEDGEMENT OF GUESTS

President Pro Tempore Guess acknowledged the presence in the Senate Chamber of former Senators Jolly and Ganders. The two former members were given a standing ovation.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of the House Message on Senate Concurrent Resolution No. 103.

MESSAGE FROM THE HOUSE

February 24, 1981

Mr. President: The House has receded from its amendment for Rule 37, beginning on line 13, page 28, and reference to it on page 3, line 4, and has adopted SENATE CONCURRENT RESOLUTION NO. 103 without said amendment, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 103, without the House amendment to Rule 37.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 103 and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Vognild—1.

SENATE CONCURRENT RESOLUTION NO. 103, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Clarke, all bills on the Introduction and First Reading Calendar were referred as indicated on the list on the desk of each member.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4112, by Senator Craswell (by Office of Financial Management request):

AN ACT Relating to the deposit and distribution of funds received by the department of natural resources; adding a new section to chapter 43.85 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4113, by Senators Quigg, Gaspard and Conner:

AN ACT Relating to the state building code; and amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030.

Referred to Committee on State Government.

SENATE BILL NO. 4114, by Senator Hansen:

AN ACT Relating to noxious weed control; and making appropriations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4115, by Senators Sellar and Wojahn:

AN ACT Relating to international banking facilities; amending section 12, chapter 53, Laws of 1973 1st ex. sess. as amended by section 2, chapter 285, Laws of 1975 1st ex. sess. and RCW 30.42.120; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4116, by Senator Metcalf:

AN ACT Relating to utilities; and adding a new section to Title 19 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4117, by Senator Benitz:

AN ACT Relating to security forces for operating agencies; and adding new sections to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4118, by Senator Quigg:

AN ACT Relating to disability benefits for disabled workers; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4119, by Senators Zimmerman, Fleming, Patterson and Bauer:

AN ACT Relating to local government; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 4120, by Senator Bottiger:

AN ACT Relating to anadromous salmon angling licenses; and amending section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4121, by Senator Metcalf:

AN ACT Relating to islands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4122, by Senators Pullen, Bluechel and Quigg:

AN ACT Relating to discrimination; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4123, by Senators Lysen, Ridder, Moore and McDermott:

AN ACT Relating to public utility district bankruptcies; and creating new sections.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4124, by Senator Quigg:

AN ACT Relating to security deposits of self-insurers; and amending section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 9, chapter 323, Laws of 1977 ex. sess. and RCW 51.14.020.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4125, by Senator Quigg:

AN ACT Relating to health care services; and amending section 3, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.44.250.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4126, by Senator Quigg:

AN ACT Relating to workers' compensation benefits; and amending section 51.32.160, chapter 23, Laws of 1961 as amended by section 1, chapter 192, Laws of 1973 1st ex. sess. and RCW 51.32.160.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4127, by Senator Quigg:

AN ACT Relating to appeals from the board of industrial insurance appeals; and amending section 51.52.115, chapter 23, Laws of 1961 and RCW 51.52.115.

Referred to Committee on Commerce and Labor.

SENATE JOINT RESOLUTION NO. 127, by Senator Metcalf:

Providing an alternative to the property tax.

Referred to Committee on Constitutions and Elections.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bills 3263, Substitute Senate Bill 3232 and Senate Joint Resolution 108 were ordered held for consideration on February 25, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3064, by Senate Committee on Transportation (originally sponsored by Senators von Reichbauer, Sellar, Talley, Guess and Zimmerman) (by Department of Transportation request):

Prohibiting abandoning junk vehicles in public parking lots.

The Senate resumed consideration of Substitute Senate Bill No. 3064. On February 23, 1981, an amendment was moved for adoption by Senator Zimmerman.

There being no objection, on motion of Senator Zimmerman, the amendment was withdrawn.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 3064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, this is not taking out the previous twenty-four hour delay. You recall that we had a lot of trouble with these wrecker

pick-ups going out and getting the cars before the owner even had a chance to get back. What is the time now?"

Senator Patterson: "Forty-eight hours and all these lots will be posted so that the individuals involved would have an opportunity to know what will happen. These lots will be posted accordingly. And it does not amend that twenty-four hours."

POINT OF INQUIRY

Senator Lysen: "Senator Patterson, I guess I would like to have it simplified for me. What is the present law and what is this, how does this exactly change it in terms of who it applies to? Would this apply to a private parking lot operator such as Mr. Diamond or anybody like that . . ."

"That is one question. The second part is, if you are in a public place like a hotel parking lot, you are not paying, you are stuck over there for over twenty-four hours or forty-eight hours."

Senator Patterson: "In both cases this bill does not apply in either case. This bill only applies to those parking lots that are operated by the state of Washington under the jurisdiction of the state patrol."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3064, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Vognild—1.

SUBSTITUTE SENATE BILL NO. 3064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3052, by Senators von Reichbauer, Conner, Gallagher and Guess (by Department of Licensing request):

Changing the availability of certain driver records.

The Senate resumed consideration of Senate Bill No. 3052. On February 23, 1981, an amendment by Senator von Reichbauer was adopted.

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 3052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Williams was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3052, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee,

Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Vognild, Williams—2.

ENGROSSED SENATE BILL NO. 3052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3042, by Senators Wojahn and Clarke:

Expanding the authorization for satellite facilities of financial institutions.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3042 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3042, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Hayner—1.

Excused: Senators Vognild, Williams—2.

SENATE BILL NO. 3042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 118, by Committee on Transportation (originally sponsored by Representatives Wilson, Patrick and Clayton):

Warehousemen deregulated.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 118, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Vognild, Williams—2.

SUBSTITUTE HOUSE BILL NO. 118, 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 Clarke, Senate Bill No. 3103 was returned to the Committee on Rules.

SECOND READING

SENATE BILL NO. 3109, by Senators Talmadge and Clarke:
Enacting the uniform trade secrets act.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3109, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3109, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Vognild, Williams—2.

SENATE BILL NO. 3109, 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 Clarke, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 3234, by Senators von Reichbauer and Guess (by State Patrol request):

Revising vehicle accident reporting procedures.

The Senate resumed consideration of Senate Bill No. 3234. The bill was advanced to third reading on February 23, 1981.

REMARKS BY SENATOR SELLAR

Senator Sellar: "Yes, thank you, Mr. President.

"There was a question arose on this, where these accident reports would be available under this new bill. And the answer to that question is that if the accident was investigated by an officer, that that report then would be filed with the local jurisdiction whether it be city or county, the duplicate would be sent to the department of licensing; and of course anyone that had access to those records could see those accident reports at the local jurisdiction rather than the state patrol."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3234.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3234, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Vognild, Williams—2.

SENATE BILL NO. 3234, 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.

There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3051, by Senators von Reichbauer, Conner, Gallagher, Guess and Zimmerman (by Department of Licensing request):

Adding a requirement for the issuance of a driver's license or permit under certain circumstances.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3051, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Vognild, Williams—2.

SENATE BILL NO. 3051, 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.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Benitz, the appointment of M. Keith Ellis as Director of the Department of Agriculture, was confirmed.

APPOINTMENT OF M. KEITH ELLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Bauer, Hughes, McDermott—3.

Excused: Senators Vognild, Williams—2.

SECOND READING

SENATE BILL NO. 3057, by Senators Charnley, Newhouse, Vognild and Benitz:

Permitting hotel, restaurant, and club patrons to remove wine from the premises.

REPORT OF STANDING COMMITTEE

January 26, 1981.

SENATE BILL No. 3057, permitting hotel, restaurant, and club patrons to remove wine from the premises (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, after "premises" and before "in" insert "recorked and recapped"

On page 2, line 17, after "premises" and before "in" insert "recorked and recapped"

Signed by: Senators Vognild, Chairman; Deccio, Hurley, Newhouse, Quigg, Williams.

The bill was read the second time by sections.

Senator Charnley moved the committee amendments be considered and adopted simultaneously.

On motion of Senator Charnley, the following amendments to the committee amendment were adopted:

In the amendment to page 1, line 18, after "recorked" strike "and" insert "or"

In the amendment to page 2, line 17 after "recorked" strike "and" and insert "or".

The motion by Senator Charnley carried and the committee amendments, as amended, were adopted.

On motion of Senator Charnley, the rules were suspended, Engrossed Senate Bill No. 3057 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talley: "Senator Charnley, we know there is a law on the books that says you cannot travel with an open bottle, or a bottle with a broken seal. Now, this would be an official seal that would show that, placed on by the restaurant or wherever you bought that wine?"

Senator Charnley: "Well, Senator Talley, the state of Washington does not have a law saying that a person cannot have, cannot travel with an open bottle. This is true in other states; this state is not so.

"However, that is the reason for the amendment, is that it be recapped or recorked.

"My suggestion is that people that would pick a bottle up and take it that way, would put it in the trunk or in some safe place in the car."

REMARKS BY SENATOR QUIGG

Senator Quigg: Mr. President, in further response to Senator Talley's question, the Washington state patrol was present at the hearing and testified that Senator Talley's concern was also the concern of some other members of the committee. And that this bill did not cause the problem of which you speak and at they felt that it was, if handled in a recorked or recapped, that language was included, that it would not have a problem with this bill.

"Further, they felt that if the contents of the bottle were in the bottle instead of in the driver, it would be a lot safer and they concurred with the bill."

REMARKS BY SENATOR TALLEY

Senator Talley: "Senator Quigg, you know if there is an accident, that is one thing that will come out in the report, that you had an open seal or a broken seal bottle in that car."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3057, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Bottiger, Gaspard—2.

Excused: Senator Vognild—1.

ENGROSSED SENATE BILL NO. 3057, 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.

MOTIONS

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

Senator Lysen moved adoption of the following resolution:

SENATE RESOLUTION 1981—23

By Senators Lysen and Charnley:

WHEREAS, For thirty-five years the United States has supported South Korea, not only with our national treasury but with the lives of American soldiers, in order to establish and protect a nation in which democracy and freedom could flourish; and

WHEREAS, Today the United States contributes to the defense and social welfare of South Korea; and

WHEREAS, The United States has allowed itself to become a great market for South Korean products, contributing to our balance of trade deficit; and especially

WHEREAS, This trade between South Korea and the State of Washington has doubled in the last two years to over \$700 million in 1979 alone, making South Korea this State's third largest nation-of-trade; and

WHEREAS, The present leaders of that country have shown an incredible disregard for democratic processes, and for the human and political rights of their citizens; and

WHEREAS, The South Korean government continues with the imprisonment of over one thousand church leaders, politicians, students and professors whose only crime has been to speak out for democracy; and

WHEREAS, The granting of sister-port status implies that we condone the repressive and anti-democratic regime in South Korea, and deepens our economic ties to that regime; and

WHEREAS, A positive decision on the part of the Port of Seattle Commissioners would amount to a deepening of our economic involvement with the current repressive government of South Korea; and

WHEREAS, The Port Districts of this State and their powers are directly derived from the Washington State Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that the Port of Seattle be encouraged not to grant sister-port status to Pusan until the regime in South Korea evidences a commitment to humane and democratic principles of government.

Debate ensued.

MOTION

Senator Rasmussen moved that Senate Resolution 1981—23 be referred to the committee on state government.

Debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

President Pro Tempore Guess declared the question before the Senate to be the motion by Senator Lysen that Senate Resolution 1981—23 be adopted.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

President Pro Tempore Guess declared the question before the Senate to be the roll call on Senate Resolution 1981—23.

ROLL CALL

The Secretary called the roll and the resolution passed by the following vote: Yeas, 28; nays 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Fuller, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Lee, Lysen, McDermott, Moore, Patterson, Pullen, Ridder, Scott, Shinpoch, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gallagher, Gaspard, Guess, Hayner, Kiskaddon, McCaslin, Metcalf, Newhouse, Peterson, Quigg, Rasmussen, Sellar, Talley, Zimmerman—19.

Absent or not voting: Senator Conner—1.

Excused: Senator Vognild—1.

MOTIONS

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bill No. 3929.

On motion of Senator Lee, Senate Bill No. 3929 was rereferred to the Committee on Higher Education.

On motion of Senator Lee, the Committee on Local Government was relieved from further consideration of Senate Bill No. 3876.

On motion of Senator Lee, Senate Bill No. 3876 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bill No. 4028.

On motion of Senator Lee, Senate Bill No. 4028 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 3650.

On motion of Senator Lee, Senate Bill No. 3650 was rereferred to the Judiciary Committee.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, the letters that Senator Fleming and I wrote and which were confiscated and sent to the public disclosure commission, have now been released by the public disclosure commission, and I take it from a comment from Senator Jones, would be returned to us.

"My point of personal privilege is the evils of prior restraint. Obviously, now, the value of those letters has greatly diminished by the delay in time. The evil of prior restraint is that somebody else decides what will be debated and what will be said.

"And I rise, Mr. President, to hope that this Senate never again engages in prior restraint, censorship, or the confiscation of letters or materials of either of us.

"You, Senator Guess, and I have written some pretty harsh things about each other over the years; my hide is thick enough, I hope yours is, too."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Ladies and gentlemen of the Senate.

"The public disclosure commission did not rule on whether the mailings were unlawful; what they said was — I am responding to Senator Bottiger which I think is very appropriate. What they said was, it was up to the legislature to determine whether the mailings under the law, RCW 42.17.130, were proper or improper. We have suggested to the facilities and operations committee, that we begin today to draft very carefully those guidelines which the secretary of the Senate is very desirous of having.

"I might also point out that we also sent a letter to the auditor, and with a caveat we are returning the letters to you that we still believe them to be illegal and improper."

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, speaking in terms of the letters that Senator Hayner had addressed, I guess I would have some concern, Senator Hayner, I would not like the impression to be left on this floor, that, indeed, those letters were illegal. That is your opinion. They have been run through the proper authorities and it is indicated at this time that they were not illegal and I would like to make sure that, at least they did not have judgment over those, so as far as the public is concerned we did not have an illegal act.

"Secondly I would also like to ask the question of you, Senator Hayner, or Senator Jones; you indicated that we would, you would be considering a procedure, and I guess I would like to know whether, in fact, this procedure that you are going to set forth is it going to be an open and fair procedure where we will have actual input or will this be just a rubber stamp of what Senator Jones has indicated in the past, as high-minded and Republican standards?"

REMARKS BY SENATOR JONES

Senator Jones: "Responding to Senator Fleming, I believe I did come over to your desk and make mention to you that there would be an open facilities and operations committee meeting today; that is a novelty in itself. And we would present to you, suggested guidelines which you would have input and at that time, we would again meet in a series of meetings to determine what are proper uses of state facilities for mailing.

"Let me further add that the assistant attorney general today in his decision by the public disclosure commission, stated it does not mean action by Democratic mailings was not unlawful. And that took place in the meeting."

Senator Fleming: "Does it mean . . .?"

Senator Jones: "I do not think I am through; I wonder if Senator Fleming could take his seat and wait"

"We will have a meeting. As we are aware we moved it up at the request of some of the Democratic Senators because it is going to go a little late in the evening. We intend to have a meeting for approximately an hour to dispose of the business before facilities and operations and discuss some of the normal business plus the state personnel policy and of course, the matter of future mailings."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Just quickly to respond to Senator Jones, Mr. President.

"His inference that the operations and facilities has not been an open and fair meeting, I take exception to that.

"I talked to past members, . . . okay"

REMARKS BY SENATOR JONES

Senator Jones: "I did not mean any inference to that. I am sorry. I apologize. And I will always, in public, Senator Fleming. I would expect one myself."

MOTION

At 12:27 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Wednesday, February 25, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 25, 1981.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Rasmussen and Vognild. On motion of Senator Ridder, Senators Rasmussen and Vognild were excused.

The Color Guard, consisting of Pages Tommy Ellis and Kathy Jo Wachter, presented the Colors. Reverend Frank L. Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1981.

SENATE BILL NO. 3194, implementing law relating to electrical installations with reference to medical devices and equipment (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Williams.

Passed to Committee on Rules for second reading.

February 23, 1981.

SENATE BILL NO. 3214, providing for the sale of early milk to persons with multiple sclerosis (reported by Committee on Social and Health Services):

MAJORITY recommendation; That Substitute Senate Bill No. 3214 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Decchio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3303, revising law relating to speed traps (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3306, extending arrest authority of WSP officers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3318, authorizing the use of hotel/motel tax receipts for other capital purposes (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Charnley, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3353, revising requirements for fire safety inspections of transient accommodations by the fire marshal (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1981.

SENATE BILL NO. 3371, providing for a western Washington transportation study (reported by Committee on Transportation):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Sellar, Vice Chairman; Charnley, Conner, Gallagher, Kiskaddon, Lysen, Peterson, Talley.

Rereferred to Committee on Ways and Means.

February 19, 1981.

SENATE BILL NO. 3388, authorizing county transportation authorities to provide public ambulance services upon voter approval (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3388 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3446, revising laws relating to boundary review boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3459, modifying provisions relating to enforcement of judgments (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3459 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 23, 1981.

SENATE BILL NO. 3533, establishing a rail passenger service advisory committee (reported by Committee on Transportation):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Sellar, Vice Chairman; Charnley, Conner, Gallagher, Kiskaddon, Lysen, Peterson, Talley.

Rereferred to Committee on Ways and Means.

February 19, 1981.

SENATE BILL NO. 3534, revising laws relating to sewer and water districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3534 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 19, 1981.

ENGROSSED HOUSE BILL NO. 172, deleting the requirement that public utility district obligations be registered and signed by the state auditor (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 24, 1981.

Mr. President: The House has passed: HOUSE BILL NO. 4, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 25, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 118, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 118,

SENATE CONCURRENT RESOLUTION NO. 103.

MOTION

Senator Clarke moved the Senate do now consider the House Message on Engrossed Substitute Senate Bill No. 3041.

Senator Bottiger objected.

On motion of Senator Clarke, House Message on Engrossed Substitute Senate Bill No. 3041 will be considered on February 26, 1981.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4128, by Senators Gallagher, Peterson, Lee, Gould, Rasmussen, Metcalf, Lysen and Conner:

AN ACT Relating to fishing; adding a new chapter to Title 75 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 4129, by Senator Haley:

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; amending section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4130, by Senators Gaspard and Bottiger:

AN ACT Relating to the parks and recreation commission; and making an appropriation.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4131, by Senators Pullen, Clarke and Hughes:

AN ACT Relating to crimes involving firearms; and amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025.

Referred to Judiciary Committee.

SENATE BILL NO. 4132, by Senator Peterson:

AN ACT Relating to business and occupation taxation; and amending section 26, chapter 173, Laws of 1965 ex. sess. as last amended by section 6, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.435.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4133, by Senators Quigg, Ridder and Sellar (by Governor Spellman request):

AN ACT Relating to industrial insurance; amending section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 108, Laws of 1979 and RCW 51.32.075; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4134, by Senator Metcalf:

AN ACT Relating to definitions in the public disclosure act; and amending section 2, chapter 1, Laws of 1973 as last amended by section 1, chapter 50, Laws of 1979 ex. sess. and RCW 42.17.020.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4135, by Senators Gould, Clarke and Wojahn:

AN ACT Relating to school district excess levies; and amending section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531.

Referred to Committee on Education.

SENATE BILL NO. 4136, by Senator Sellar:

AN ACT Relating to irrigation districts; and amending section 62, page 699, Laws of 1889-90 as amended by section 37, chapter 129, Laws of 1921 and RCW 87.03.655.

Referred to Committee on Agriculture.

SENATE BILL NO. 4137, by Senators Benitz and Gould:

AN ACT Relating to public disclosure; and amending section 73, chapter 151, Laws of 1979 as amended by section 3, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.240.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4138, by Senators Quigg and Talley:

AN ACT Relating to plumbers; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; amending section 2, chapter 175, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.020; amending section

16, chapter 175, Laws of 1973 1st ex. sess. as amended by section 10, chapter 149, Laws of 1977 ex. sess. and RCW 18.106.160; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4139, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4140, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4141, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4142, by Senator Pullen:

AN ACT Relating to public disclosure.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4143, by Senator Pullen:

AN ACT Relating to public disclosure.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4144, by Senator Pullen:

AN ACT Relating to crimes and punishments.

Referred to Judiciary Committee.

SENATE BILL NO. 4145, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4146, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4147, by Senator Pullen:

AN ACT Relating to elections.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4148, by Senator Sellar:

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4149, by Senator Sellar:

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4150, by Senator Sellar:

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4151, by Senator Sellar:

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4152, by Senator Sellar:

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4153, by Senator Pullen:
AN ACT Relating to crimes and punishments.
Referred to Judiciary Committee.

SENATE BILL NO. 4154, by Senator Pullen:
AN ACT Relating to prisons.
Referred to Judiciary Committee.

SENATE BILL NO. 4155, by Senator Pullen:
AN ACT Relating to firearms.
Referred to Judiciary Committee.

SENATE BILL NO. 4156, by Senator Pullen:
AN ACT Relating to juvenile justice.
Referred to Judiciary Committee.

SENATE BILL NO. 4157, by Senator Pullen:
AN ACT Relating to juvenile justice.
Referred to Judiciary Committee.

SENATE BILL NO. 4158, by Senator Benitz:
AN ACT Relating to fire-service training.
Referred to Committee on Local Government.

SENATE BILL NO. 4159, by Senator Benitz:
AN ACT Relating to water resources.
Referred to Committee on Agriculture.

SENATE BILL NO. 4160, by Senator Metcalf:
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4161, by Senator Bluechel:
AN ACT Relating to higher education.
Referred to Committee on Higher Education.

SENATE BILL NO. 4162, by Senator Bluechel:
AN ACT Relating to higher education.
Referred to Committee on Higher Education.

SENATE BILL NO. 4163, by Senator Gallagher:
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4164, by Senator Gallagher:
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4165, by Senator Gallagher:
AN ACT Relating to foodfish and shellfish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4166, by Senator Gallagher:
AN ACT Relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4167, by Senator Gallagher:
AN ACT Relating to game and gamefish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4168, by Senator Gallagher:
AN ACT Relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4169, by Senator Gallagher:
AN ACT Relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4170, by Senator Gallagher:
AN ACT Relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 4171, by Senator Shinpoch:
AN ACT Relating to the termination of state tax exemptions.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4172, by Senator Fuller:
AN ACT Relating to ecology.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4173, by Senator Fuller:
AN ACT Relating to ecology.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4174, by Senator Fuller:
AN ACT Relating to recreation.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4175, by Senator Fuller:
AN ACT Relating to recreation.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4176, by Senator Pullen:
AN ACT Relating to assault.
Referred to Judiciary Committee.

SENATE BILL NO. 4177, by Senator Hayner:
AN ACT Relating the real estate excise tax.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4178, by Senator Gould:
AN ACT Relating to utilities.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4179, by Senator Gould:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4180, by Senator Gould:
AN ACT Relating to renewable energy development.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4181, by Senator Gould:
AN ACT Relating to energy facility siting.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4182, by Senator Gould:
AN ACT Relating to nuclear wastes.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4183, by Senator Gould:
AN ACT Relating to radioactive waste disposal.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4184, by Senator Gould:
AN ACT Relating to an independent study of nuclear construction projects.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4185, by Senator Gould:
AN ACT Relating to state energy office.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4186, by Senator Gould:
AN ACT Relating to utility financing.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4187, by Senator Gould:
AN ACT Relating to energy transportation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4188, by Senator Gould:
AN ACT Relating to energy conservation.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4189, by Senator Gould:
AN ACT Relating to energy.
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4190, by Senator Lee:
AN ACT Providing for a study and evaluation of the state environmental policy act.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4191, by Senator Craswell:
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4192, by Senator Craswell:
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4193, by Senator Gould:
AN ACT Relating to increasing the supply and production of energy in Washington state.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4194, by Senators Goltz, Shinpoch, Ridder and Gould:
AN ACT Relating to public records; and amending section 31, chapter 1, Laws of 1973 as last amended by section 13, chapter 314, Laws of 1977 ex. sess. and RCW 42.17.310.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4195, by Senator Rasmussen:
AN ACT Relating to disabled persons; adding a new section to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4196, by Senators Deccio, Ridder, Metcalf and Talmadge:

AN ACT Relating to scoliosis; adding new sections to chapter 28A.31 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 4197, by Senators Gaspard and Zimmerman:

AN ACT Relating to drainage districts; amending section 2, chapter 184, Laws of 1967 and RCW 85.15.010; amending section 3, chapter 184, Laws of 1967 and RCW 85.15.020; amending section 4, chapter 184, Laws of 1967 as amended by section 111, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.15.030; amending

section 16, chapter 184, Laws of 1967 and RCW 85.15.150; and amending section 18, chapter 184, Laws of 1967 and RCW 85.15.170.

Referred to Committee on Local Government.

SENATE BILL NO. 4198, by Senators Bauer, Zimmerman and Talley:

AN ACT Relating to use taxation; and amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 1, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4199, by Senators Craswell, Gallagher, Gould and Moore:

AN ACT Relating to state residential schools; and amending section 72.33.030, chapter 28, Laws of 1959 as amended by section 1, chapter 31, Laws of 1959 and RCW 72.33.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4200, by Senators Metcalf, Rasmussen and Deccio (by Department of General Administration request):

AN ACT Relating to public works; amending section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200; amending section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010; amending section 2, chapter 20, Laws of 1975 and RCW 39.23.010; amending section 4, chapter 61, Laws of 1979 ex. sess. and RCW 39.29-.040; amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1969 and RCW 43.82.010; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 39.04 RCW; repealing section 1, chapter 183, Laws of 1923, section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010; repealing section 2, chapter 183, Laws of 1923, section 1, chapter 70, Laws of 1967, section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020; repealing section 3, chapter 183, Laws of 1923 and RCW 39.04-.040; repealing section 4, chapter 183, Laws of 1923 and RCW 39.04.050; repealing section 5, chapter 183, Laws of 1923 and RCW 39.04.060; repealing section 6, chapter 183, Laws of 1923 and RCW 39.04.070; repealing section 7, chapter 183, Laws of 1923 and RCW 39.04.080; repealing section 8, chapter 183, Laws of 1923 and RCW 39.04.090; repealing section 9, chapter 183, Laws of 1923 and RCW 39.04.100; repealing section 10, chapter 183, Laws of 1923 and RCW 39.04.110; repealing section 1, chapter 62, Laws of 1973 1st ex. sess. and RCW 39.04.120; repealing section 2, chapter 62, Laws of 1973 1st ex. sess. and RCW 39.04.130; repealing section 1, chapter 194, Laws of 1974 ex. sess. and RCW 39.04.140; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 4201, by Senator Clarke:

AN ACT Relating to insurance; adding new chapters to Title 48 RCW; repealing section .12.15, chapter 79, Laws of 1947, section 7, chapter 193, Laws of 1957, section 3, chapter 225, Laws of 1959, section 3, chapter 194, Laws of 1961, section 13, chapter 195, Laws of 1963, section 4, chapter 162, Laws of 1973 1st ex. sess., section 1, chapter 157, Laws of 1979 and RCW 48.12.150; repealing section .23.35, chapter 79, Laws of 1947, section 15, chapter 193, Laws of 1957, section 8, chapter 225, Laws of 1959, section 7, chapter 194, Laws of 1961, section 20, chapter 195, Laws of 1963, section 5, chapter 162, Laws of 1973 1st ex. sess., section 4, chapter 157, Laws of 1979 and RCW 48.23.350; and providing effective dates.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4202, by Senator Metcalf:

AN ACT Relating to county sheriffs; amending section 29.21.010, chapter 9, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 as amended by section 2, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060; amending section 7, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.410; adding a new section to chapter 29.21 RCW; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 128, by Senators Gaspard and Bottiger:

Permitting current use assessment of all real property.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 129, by Senator Pullen:

Amending the Constitution.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 130, by Senator Pullen:

Amending the Constitution.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 131, by Senator Pullen:

Amending the Constitution.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 132, by Senator Pullen:

Amending the Constitution.

Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 133, by Senators Pullen, Woody and Gould:

Amending the Constitution to clarify signature requirements and filing dates for initiatives to the legislature.

Referred to Committee on Constitutions and Elections.

FIRST READING OF HOUSE BILL

HOUSE BILL NO. 4, by Representatives Sanders and Isaacson:

Designating the Roosevelt Elk as the state animal.

Referred to Committee on State Government.

MOTION

On motion of Senator Clarke, all measures were referred as indicated on the Introduction and First Reading calendar.

SECOND READING

HOUSE BILL NO. 103, by Committee on Transportation and Representatives Wilson, Garrett and Gallagher:

Making an appropriation for the Urban Arterial Board.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, House Bill No. 103 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 103, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator McDermott—1.

Excused: Senators Rasmussen, Vognild—2.

HOUSE BILL NO. 103, 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

Senator Clarke moved that Senate Bill No. 3263 and Senate Joint Resolution No. 108 be placed at the end of the second reading calendar.

Senator Bottiger objected.

There being no objection, on motion of Senator Clarke, the motion was withdrawn.

On motion of Senator Clarke, Senate Bill No. 3263, Senate Joint Resolution No. 108 and Substitute Senate Bill No. 3232 were held for consideration on February 26, 1981.

SECOND READING

SENATE BILL NO. 3196, by Senators Wojahn, Jones, Talmadge, Sellar and Hayner:

Increasing the bond requirement for notaries public.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Wojahn, you have commented on the increased cost that would be involved; however, particularly in small towns we often tend to run short of notaries and they are a handy device to have available, and I would not want to see anything happen that would, at all significantly, increase the cost to people who are willing to serve as notaries.

"I wonder, therefore, so that we could get some of this into the record, if you could comment as specifically as you can, with respect to the increased cost a notary would experience as a result of passage of this bill."

Senator Wojahn: "Well, again the increased cost as far as the license is concerned, is very minimal. It would amount to approximately to \$2.50 a year, and over a four-year span, the maximum probably about \$10.00, so it would increase the amount from \$30.00 for four years to \$40.00 for four years. And the reason that the amount is low according to information that I have, is that there are very few claims, very low loss experience in the state of Washington and therefore it has never been necessary to increase the amount to a great, substantial amount of money."

POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, as you just stated to Senator Wilson, that the losses are very low, what would be the reason for increasing from a thousand to ten thousand dollars to bond?"

Senator Wojahn: "Well, because a person really does not have any protection on a transfer of ownership on a car or some of the elements that a notary does, sometimes involving a substantial amount of money, a thousand dollars would not cover that. Therefore the bonded amount needs to be greater in order to protect the consumer, and to assure the honesty of the notary public and it would also protect the notary. "Are you asking why the bond should be raised from a thousand to ten thousand, or why the amount is only thirty dollars now for four years, and would be increased to forty?"

Senator Rasmussen: "Well, I guess my question is, notaries of course, they will notarize hundred thousand, two hundred thousand, million dollar deals. A ten thousand bond is a drop in the bucket. The only thing that the notary is doing, of course, is assuring those people; he is not guaranteeing the deal, he is assuring that the people that come before him, he knows who they are and they have voluntarily signed the agreement.

"That is my question; I see no reason at all for raising the bond and I have had several notaries talk to me about it and they fail to understand.

"Did the notaries themselves come and ask for this?"

Senator Wojahn: "Yes, there have been, and plus the other area is that if there were fraud involved on a transfer of ownership say on a used car, and the car was worth \$88,000 [sic] and you were only covered to the bonding capacity and the notary authorized the signature and assumed that everything was in proper order, and it was not, it would be much better for the \$8,000 to be replaced than it would be for a thousand dollars, which would never begin to cover the cost."

Senator Rasmussen: "Are you aware of anybody that ever sued a notary?"

Senator Wojahn: "No."

Senator Rasmussen: "Thank you, Senator Wojahn."

Senator Wojahn: "I guess there is a list here, Senator Rasmussen, I am told, from Senator Shinpoch; I don't happen to have it, but I can get it for you. But it seems to me we should either raise the bonded amount or cancel out a notary public, the need for a notary public, because they are certainly not able to accommodate the public at present."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3196, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Clarke, Conner, Deccio, Gallagher, Gaspard, Goltz, Gould, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Moore, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Williams, Wojahn, Woody, Zimmerman—26.

Voting nay: Senators Benitz, Bluechel, Craswell, Fleming, Fuller, Guess, Haley, Hansen, Hurley, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Talley, von Reichbauer, Wilson—22.

Excused: Senator Vognild—1.

SENATE BILL NO. 3196, 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.

APPOINTMENT OF SELECT COMMITTEE
ON CRIMINAL JUSTICE REFORM

President Pro Tempore Guess appointed Senator Pullen, Chairman; Senators Vognild, Ridder, Lysen, Jones and Craswell as members of the Select Committee on Criminal Justice Reform as authorized under Senate Resolution 1981—21.

MOTION

On motion of Senator Clarke, the appointments were confirmed.

MOTION

At 11:35 a.m., on motion of Senator Fleming, the Senate recessed until 12:05 p.m.

NOON SESSION

President Pro Tempore Guess called the Senate to order at 12:05 p.m.

MOTION

At 12:05 p.m., on motion of Senator Clarke, the Senate was declared to be at ease subject to the call of the President Pro Tempore.

President Pro Tempore Guess called the Senate to order at 12:25 p.m.

MOTION

At 12:25 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Guess called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3009.

SECOND READING

SENATE BILL NO. 3009, by Senators Shinpoch, Rasmussen and Conner:
Expanding the membership of the horse racing commission.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the following amendment by Senators Metcalf and Shinpoch was adopted:

On page 2, line 4, after "~~1969;~~)" strike "shall be confirmed by the senate." and insert "((shall be confirmed by the senate.)) during a legislative session or in the interim thereafter shall not continue to serve beyond the adjournment of the next regular legislative session unless confirmed by the senate. An appointee failing to be confirmed shall not be reappointed to the same position for a period of one year from termination of service."

Senator Gould moved adoption of the following amendment:

On page 1, line 15, after "standing." insert: "No more than three members may be appointed to the commission from any one of the approximate geographic areas surrounding the three major racetracks in this state; these geographic areas commonly referred to as western, central, and eastern Washington."

POINT OF INQUIRY

Senator Shinpoch: "Senator Gould, I understood you to say you would expect three members to be appointed from the western portion and one from each of the others. As I read your amendment, that would not be possible."

Senator Gould: "Oh. All right. I beg your pardon that was a different amendment."

"This does and, I would be willing and would offer an oral amendment to be no more than three because that was my intention originally."

MOTION

On motion of Senator Clarke, Senate Bill No. 3009, as amended, was ordered held for further consideration following Senate Bill No. 3033.

SECOND READING

SENATE BILL NO. 3006, by Senators Talley, Shinpoch and Wojahn:

Authorizing the issuance of certificates of presumed death as a result of natural disasters.

MOTIONS

On motion of Senator Talley, Substitute Senate Bill No. 3006 was substituted for Senate Bill No. 3006 and the substitute bill was placed on second reading and read the second time in full.

Senator Wilson moved adoption of the following amendment by Senators Wilson and Zimmerman:

On page 2, line 1, strike all of section 2 and renumber accordingly.

Debate ensued.

The motion of Senator Wilson failed and the amendment was not adopted.

Senator Wilson moved adoption of the following amendment by Senator Wilson and Zimmerman:

On page 2, line 9, after "examiner" strike "shall" and insert "may"

Debate ensued.

The motion by Senator Wilson failed and the amendment was not adopted.

MOTIONS

On motion of Senator Ridder, Senators Conner and Hughes were excused.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 3006 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3006 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Conner, Hughes, Vognild—3.

SUBSTITUTE SENATE BILL NO. 3006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3009, by Senators Shipoch, Rasmussen and Conner:
Expanding the membership of the horse racing commission.

The Senate resumed consideration of Senate Bill No. 3009 as amended earlier today by Senators Metcalf and Shipoch and the pending amendment by Senator Gould.

The motion by Senator Gould carried and the amendment was adopted.

On motion of Senator Shipoch, the rules were suspended, Engrossed Senate Bill No. 3009 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3009, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Conner, Vognild—2.

ENGROSSED SENATE BILL NO. 3009, 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.

NOTICE GIVEN BY SENATOR CLARKE

Senator Clarke served notice that on the next working day, the Senate would consider Senate Resolutions 1981—26 and 1981—27 and noted that copies of those resolutions are on the desk of each member. A motion by Senator Clarke will be made to adopt those resolutions.

MOTIONS

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

On motion of Senator Bluechel, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 3676.

On motion of Senator Bluechel, Senate Bill No. 3676 was rereferred to the Committee on Higher Education.

On motion of Senator Bluechel, the Committee on State Government was relieved from further consideration of Senate Bill No. 4026.

On motion of Senator Bluechel, Senate Bill No. 4026 was rereferred to the Committee on Higher Education.

Senator Bluechel moved that Senate Resolution 1981—25 be referred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, Governor Spellman vetoed the sales tax bill that would have returned \$7½ million dollars to the people who collected the tax. Are you going to anticipate that you are going to have a supplemental budget and include sufficient amount to take care of, not alone these nursing home people but the chore services and like characters, homemakers?"

Senator Scott: "That is under consideration, Senator."

Senator Rasmussen: "Thank you, Senator."

Further debate ensued.

Senators Hayner, Newhouse and Jones demanded the previous question.

Senator Fleming demanded a roll call.

President Pro Tempore Guess declared the question before the Senate to be the roll call on the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Vognild—1.

Senator Shinpoch demanded a roll call and the demand was sustained.

President Pro Tempore Guess declared the question before the Senate to be the roll call on the motion by Senator Bluechel that Senate Resolution 1981—25 be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Vognild—1.

MOTION

At 2:20 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Thursday, February 26, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 26, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Pam Whadler and David Hitchman, presented the Colors. Reverend Frank L. Accardy, pastor of The Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

MOTION

Senator Hayner moved adoption of the following resolution:

SENATE RESOLUTION 1981—26

By Senators Clarke, Hayner and Jones:

BE IT RESOLVED, That the rules of the Senate be amended to read as follows:

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer, or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted. (See also Art. 2, Sec. 9, State Constitution.)

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume his/her seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that he/she be allowed to proceed in order," when, if carried, he/she shall confine themselves to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent his or her per diem shall not be allowed or paid, and no senator, officer, or employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish a senator in any manner the senator so liable shall be allowed to answer to and vote on such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator in any manner shall require a two-thirds vote of all senators elected or appointed to the senate and shall be taken by yeas and nays and the votes shall be entered upon the journal.

PARLIAMENTARY INQUIRY

Senator Hughes: "Is additional debate allowed on this, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, certainly, Senator."

SENATOR HUGHES CONTINUES

Senator Hughes: "Mr. President, members of the Senate.

"This is perhaps one of the most historic days in the history of the Washington state legislature, An effort, attempt is being presented to this body which clearly violates over two hundred years of legislative history.

"The United States Constitution and the state Constitution are identical on this issue. The creator, the author of the censorship procedures of the United States House of Representatives, the United States Senate, is Thomas Jefferson. And Jefferson, who was certainly known as a champion of individual rights, states very clearly in Hinds' book on precedents, that this is a basic fundamental power of any legislative body.

"The two-thirds provision in both the state Constitution and in the Federal Constitution apply only to expulsion. There is no precedent for raising the simple majority punishment procedure of contempt or disorderly conduct for what we see occurring here now. Is some special privilege being afforded? Are two hundred years of legislative law to be cast out to provide an artificial barrier for conduct which may well be contemptuous and disorderly?

"I ask that you take not the short, immediate view, but the long view and that you look carefully at the words of Thomas Jefferson and you look carefully at two hundred years of legislative history."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, on the desks of the members there is a senate floor resolution designated 1981—28 that specifically refers to the gentleman from the thirtieth district who is occupying the chair of state Senator in the state Senate.

"Mr. President, my question is very specific. Can that gentleman vote on the question of the rule before us? Senate floor resolution 26, 1981—26 and 1981—27, insofar as it affects him personally by virtue of the existence of senate floor resolution 1981—28?"

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I would submit, on the point of inquiry, that this resolution or any changes affect every Senator on the floor, not any specific Senator."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Also on the point of parliamentary inquiry, that matter is not now before the body and it is improper to request a parliamentary inquiry with respect to a future matter when we are now considering another one."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Speaking to the point of order, I think it is apparent to everybody what is going on, it is most certainly apparent to the press. I do not think we are questioning anybody.

"Now the real question here is, can, because a resolution was prepared and it became known that it was being prepared, can a rule change now interrupt the process of the consideration of . . ."

POINT OF ORDER

Senator Jones: "I believe Senator Bottiger was speaking to a point of order, and in fact, it was a parliamentary inquiry."

SENATOR BOTTIGER CONTINUES

Senator Bottiger: "Mr. President, I was trying to aid the Chair in making a decision. The arguments preceding mine were for that purpose, I presume. Now it would appear clear that the attempt to change the rules in light of the proposed censure resolution, is a clear attempt to prohibit the majority, excluding the person under consideration, from making that determination.

"Now if the Chair would care, I would make a motion that we pass this matter over until tomorrow to allow the Chair time to do some research, some of the briefs which we have already submitted to him."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge has raised a point of inquiry, rather than a point of order.

"The President, in ruling upon the various points raised, believes that a challenge of this type is in order inasmuch as this measure is before the Washington State Senate.

"The President will respectfully refer the members to senate rule 21. It states in part, 'No senator shall be allowed to vote . . . upon any question upon which he or she is in any way personally or directly interested. . . .' The censorship of a member is quite clearly a question in which the member being censured is personally and directly interested.

"The language of senate rule 21 is mandatory in that it strictly prohibits voting under such circumstances. The President therefore rules that Senator Peter von Reichbauer is not entitled to vote upon resolution number 1981—26, or any matter relating thereto."

POINT OF ORDER

Senator Clarke: "Pursuant to rule 32, I respectfully appeal the decision of the Chair."

POINT OF ORDER

Senator Talmadge: "The Chair has ruled that the gentleman occupying the chair of the Senator from the 30th district is not entitled to vote on any matter relating to the censure issue or to any of the subsidiary issues related thereto. Would he be entitled to vote on an appeal to the Chair from the decision?"

RULING BY THE PRESIDENT

President Cherberg: "The President would consider such a motion to be related."

APPEAL FROM RULING BY THE CHAIR

Senator Clarke: "Appeal the last decision of the Chair under rule 32 and request a vote of the body thereon."

REPLY BY THE PRESIDENT

President Cherberg: "That is true."

POINT OF ORDER

Senator Talmadge: "I raise the same point of order I raised earlier. I believe that the appeal from the appeal from the appeal from the appeal is still the same issue and relates to the same central question."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Under the rules, the Chair is required to place the order . . . place the question before the body."

REPLY BY THE PRESIDENT

President Cherberg: "The President will put your motion in just a minute, Senator."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "It is not clear to me, I would ask Senator Clarke to yield to a question."

Senator Clarke refused to yield; Senator Jones refused to yield; Senator Hayner refused to yield.

POINT OF ORDER

Senator Clarke: "There is a matter before the body which is to be determined prior to recognition of any other Senator."

REMARKS BY THE PRESIDENT

President Cherberg: "The question before the Senate, the President said he was going to put the question, Senator."

"The President has always permitted a discussion on each point of order raised."

SENATOR RASMUSSEN CONTINUES

Senator Rasmussen: "Mr. President, the question that I was going to ask Senator Clarke or Senator Jones or Senator Hayner or any one of the proponents, was, are they challenging the rule as printed? In the rule book, I would say that the President has made a very clear restatement of rule 21 and I do not understand the request for an appeal from the Chair, because the rule is right there and it plainly says what the President stated. He has not made any appeal on his own on a very vague question. He ruled on the rule as we have all worked with it for many, many years and that is the question I was going to ask the Senators who seem to, well I detect a strange hesitancy of whether they want to appeal what is printed here. I don't think there is any question in anybody's mind, it is clear and it is understandable. I would hope that somebody . . . responsible party would have an answer."

Senator Shinpoch: "Mr. President, is a roll call automatic on an appeal?"

President Cherberg: "The roll call is not automatic."

Senator Shinpoch: "I would respectfully request a roll call."

The demand for the roll call was sustained.

PARLIAMENTARY INQUIRY

Senator Bottiger: "In view of the ruling of the Chair, may I make a parliamentary inquiry as to whether Senator von Reichbauer's name will be called on the roll call?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger, Senator von Reichbauer's name will not be called."

REMARKS BY SENATOR CLARKE

Senator Clarke: "On what right does the Chair presume to prevent a Senator from voting until the body has made a determination with respect to the ruling of the Chair? That is the prerogative of the majority to determine, not the exclusive prerogative of the Chair. If the Chair so rules, the Chair has then usurped the right of the majority of the body to proceed in order as it desires to do."

*REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I would suggest that the ruling of the Chair is entirely wrong, that Senate Floor Resolution 28 is before us."

REPLY BY THE PRESIDENT

President Cherberg: "The President ruled on Senate Floor Resolution 26, Senator Newhouse."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "The only way that you can get the name of any member of the Senate involved in this discussion, is by some means getting a resolution that is not before us into the discussion which you have done by saying that Floor Resolution 28 is involved."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, in response to Senator Newhouse, I think it would be a general consensus of the body, be the general consensus of the public that there would be only one member in this body that 26 could conceivably be designed to protect. I know of no other member of this body that needs extraordinary measures that upsets two hundred years of history in order to buy protection. I think it is very clear what 26 is designed to do. I think the President has made a proper ruling."

APPEAL FROM RULING BY THE CHAIR

Senator Clarke: "In order that there be no question about the record, I also appeal the last purported ruling of the President which would disenfranchise a member of the Senate from voting so that whatever ruling the President may make which would have the effect of preventing a vote, I appeal."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I would also like to respond to Senator Rasmussen who asked a question with respect to rule 21. And that is really the rule with which we disagree with your interpretation. The rule says that no Senator shall be allowed to vote except when within the bar or upon any question upon which he or she is in any way personally or directly interested. Mr. President, the court has said that has to be a pecuniary interest, a pecuniary interest. This is not that. This is not involved with that and I think that that is an inaccurate interpretation of this particular rule and that is what we are objecting to."

POINT OF ORDER

Senator Bottiger: "I raise a point of order as to the last point of order, or appeal to the Chair, and in response to Senator Hayner, there are other than pecuniary interests that are prohibited by the clear language of that rule."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, the pecuniary interest of course would indicate that there was a very viable interest. Senator von Reichbauer is the only Democrat that has held a chairmanship. He has also changed his regular office that the rest of us had, to a much larger office. He is now getting very special treatment by the rules, so I don't think there is any question—speaking to the point of order, Mr. President . . ."

REMARKS BY THE PRESIDENT

President Cherberg: "The President has permitted free and open discussion . . ."

SENATOR RASMUSSEN CONTINUES

Senator Rasmussen: ". . . as just recently raised by Senator Hayner that there was no viable interest. I would say that he has received far more than monetary consideration and has put himself in the power of controlling the whole Republican party which is certainly a very pecuniary interest.

"The supreme court decision which has indicated that people that trade their vote are subject to recall, and I raised that issue earlier in the session and many of you got copies of the supreme court decision; and there is no question on this floor of the Senate; it is very obvious to all of us that a deal has been made. We have not seen all the ramifications of that deal as yet, and now in order to protect the deal that was made, the pecuniary interest as raised by Senator Hayner, they are attempting to do a very dangerous thing . . . proposing the rules change. And I would say that the President has ruled exactly as the constitution provides, exactly as our Senate rules provide, that where a Senator has a particular interest, he has to reveal it to the body and the Senate does have that particular interest."

REMARKS BY SENATOR JONES

Senator Jones: "In response to Senator Rasmussen, there was one other Democrat granted a chairmanship, Senator Rasmussen, and that is the President of the Senate, Lieutenant Governor John Cherberg. He was also granted chairmanship of rules."

REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Speaking to the issue of the P.O. to the body of the Chair's ruling. Senate Floor Resolution 1981—26 is clearly a general application, applying to every person in this body. It does not apply to any particular member of this body, therefore the Chair's ruling is clearly wrong."

At 11:30 a.m., the President declared the Senate to be at ease.

At 11:32 a.m., the President declared the Senate to be in order.

MOTION

At 11:33 a.m., on motion of Senator Clarke, the Senate recessed until 1:40 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:40 p.m.

MOTION

At 1:42 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 4:13 p.m.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 1981.

SENATE BILL NO. 3063, segregating revenues within the motor vehicle fund by investment source (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3063 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Lysen, Peterson, Talley.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3127, establishing investment policies for state funds (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3127 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1981.

SENATE BILL NO. 3498, implementing law relating to bond financing by the Washington health care facilities authority (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3584, transferring the state archives to the secretary of state (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3584 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3600, protecting proprietary information (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3740, modifying provisions relating to the state investment board (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 25, 1981.

Mr. President: The House has passed:

SENATE BILL NO. 3209,

SUBSTITUTE SENATE BILL NO. 3210, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 25, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 115,

SUBSTITUTE HOUSE BILL NO. 117,

ENGROSSED HOUSE BILL NO. 122, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3209,

SUBSTITUTE SENATE BILL NO. 3210.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4203, by Senators Quigg and Williams (by Attorney General request):

AN ACT Relating to business opportunities fraud; creating a new chapter in Title 19 RCW; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4204, by Senator Guess:

AN ACT Relating to insurance rates; adding a new chapter to Title 48 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4205, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4206, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to institutions of higher education, including the community college system; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4207, by Senators Talmadge and Quigg (by Attorney General request):

AN ACT Relating to antitrust violations; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 4208, by Senators Gould, Newhouse and Williams (by Washington State Energy Office request):

AN ACT Relating to energy supply emergencies; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.020; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 23, chapter 87, Laws of 1980 and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.050; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4209, by Senators Fuller and Charnley:

AN ACT Relating to local improvement districts; amending section 35.43.120, chapter 7, Laws of 1965 as amended by section 5, chapter 258, Laws of 1969 ex. sess. and RCW 35.43.120; amending section 35.45.040, chapter 7, Laws of 1965 and RCW 35.45.040; amending section 35.45.130, chapter 7, Laws of 1965 as amended by section 36, chapter 56, Laws of 1970 ex. sess. and RCW 35.45.130; reenacting and amending section 35.45.150, chapter 7, Laws of 1965 as amended by section 37, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 93, Laws of 1970 ex. sess. and RCW 35.45.150; amending section 35.49.020, chapter 7, Laws of 1965 as amended by section 14, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.020; amending section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030; amending section 35.54.060, chapter 7, Laws of 1965 and RCW 35.54.060; and amending section 35.54.090, chapter 7, Laws of 1965 and RCW 35.54.090.

Referred to Committee on Local Government.

SENATE BILL NO. 4210, by Senators Scott and Craswell (by Office of Financial Management request):

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds; providing ways and means of payment of the bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4211, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4212, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4213, by Senator Scott (by Office of Financial Management request):

AN ACT Relating to state government; providing for the acquisition and development of outdoor recreational areas and facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4214, by Senators Scott and Craswell (by Office of Financial Management request):

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds to fund community college capital projects; providing ways and means for the payment of the bonds; creating new sections; repealing section 9, chapter 226, Laws of 1979 ex. sess. and RCW 28B.59C.090; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4215, by Senators Talley, Craswell and Quigg:

AN ACT Relating to compensation for government interference with private property rights; creating a new chapter in Title 64 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 4216, by Senator Quigg:

AN ACT Relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4217, by Senator Quigg:

AN ACT Relating to public employees' collective bargaining.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4218, by Senator Quigg:

AN ACT Relating to industrial insurance.

Referred to Committee on Commerce and Labor.

- SENATE BILL NO. 4219, by Senator Quigg:
 AN ACT Relating to alcoholic beverages.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4220, by Senator Quigg:
 AN ACT Relating to licensing.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4221, by Senator Quigg:
 AN ACT Relating to professional licensing.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4222, by Senator Quigg:
 AN ACT Relating to Consumer Protection.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4223, by Senator Lee:
 AN ACT Relating to education.
 Referred to Committee on Education.
- SENATE BILL NO. 4224, by Senator Lee:
 AN ACT Relating to categorical programs.
 Referred to Committee on Education.
- SENATE BILL NO. 4225, by Senator Lee:
 AN ACT Relating to school personnel compensation.
 Referred to Committee on Education.
- SENATE BILL NO. 4226, by Senator Lee:
 AN ACT Relating to school facilities.
 Referred to Committee on Education.
- SENATE BILL NO. 4227, by Senator Quigg:
 AN ACT Relating to business and profession.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4228, by Senator Jones:
 AN ACT Relating to economic development.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4229, by Senator Jones:
 AN ACT Relating to reorganization of state government.
 Referred to Committee on State Government.
- SENATE BILL NO. 4230, by Senator Quigg:
 AN ACT Relating to witness fees.
 Referred to Judiciary Committee.
- SENATE BILL NO. 4231, by Senators Clarke and Hemstad:
 AN ACT Relating to arbitration.
 Referred to Judiciary Committee.
- SENATE BILL NO. 4232, by Senators Clarke and Hemstad:
 AN ACT Relating to courts.
 Referred to Judiciary Committee.
- SENATE BILL NO. 4233, by Senators Clarke and Hemstad:
 AN ACT Relating to civil procedure.
 Referred to Judiciary Committee.
- SENATE BILL NO. 4234, by Senators Clarke and Hemstad:
 AN ACT Relating to crimes and criminal procedure.
 Referred to Judiciary Committee.

SENATE BILL NO. 4235, by Senators Clarke and Hemstad:
AN ACT Relating to juveniles.
Referred to Judiciary Committee.

SENATE BILL NO. 4236, by Senators Clarke and Hemstad:
AN ACT Relating to juveniles.
Referred to Judiciary Committee.

SENATE BILL NO. 4237, by Senator Shinpoch:
AN ACT Relating to formaldehyde products.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4238, by Senator Kiskaddon:
AN ACT Relating to Education.
Referred to Committee on Education.

SENATE BILL NO. 4239, by Senator Kiskaddon:
AN ACT Relating to transportation.
Referred to Committee on Education.

SENATE BILL NO. 4240, by Senator Kiskaddon:
AN ACT Relating to gifted students.
Referred to Committee on Education.

SENATE BILL NO. 4241, by Senator Quigg:
AN ACT Relating to labor.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4242, by Senator Quigg:
AN ACT Relating to commerce.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4243, by Senator Quigg:
AN ACT Relating to business regulation.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4244, by Senator Kiskaddon:
AN ACT Relating to education.
Referred to Committee on Education.

SENATE BILL NO. 4245, by Senator Kiskaddon:
AN ACT Relating to school district personnel.
Referred to Committee on Education.

SENATE BILL NO. 4246, by Senator Kiskaddon:
AN ACT Relating to basic education.
Referred to Committee on Education.

SENATE BILL NO. 4247, by Senator Kiskaddon:
AN ACT Relating to paperwork.
Referred to Committee on Education.

SENATE BILL NO. 4248, by Senator Scott:
AN ACT Relating to salaries and benefits for the faculty of institutions of
higher education.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4249, by Senator Scott:
AN ACT Relating to salaries and benefits for the faculty of institutions of
higher education.

Referred to Committee on Ways and Means.

- SENATE BILL NO. 4250, by Senator Lee:
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 4251, by Senator Quigg:
AN ACT Relating to tourism.
Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4252, by Senator Lee:
AN ACT Relating to teachers retirement.
Referred to Committee on Education.
- SENATE BILL NO. 4253, by Senator Lee:
AN ACT Relating to school district excess levies.
Referred to Committee on Education.
- SENATE BILL NO. 4254, by Senator Lee:
AN ACT Relating to insurance for school purposes.
Referred to Committee on Education.
- SENATE BILL NO. 4255, by Senator Lee:
AN ACT Relating to vocational education.
Referred to Committee on Education.
- SENATE BILL NO. 4256, by Senator Lee:
AN ACT Relating to school district transportation.
Referred to Committee on Education.
- SENATE BILL NO. 4257, by Senator Lee:
AN ACT Relating to basic education.
Referred to Committee on Education.
- SENATE BILL NO. 4258, by Senator Kiskaddon:
AN ACT Relating to school district excess levies.
Referred to Committee on Education.
- SENATE BILL NO. 4259, by Senator Lee:
AN ACT Relating to special education.
Referred to Committee on Education.
- SENATE BILL NO. 4260, by Senator Kiskaddon:
AN ACT Relating to school facilities.
Referred to Committee on Education.
- SENATE BILL NO. 4261, by Senator Kiskaddon:
AN ACT Relating to special education students.
Referred to Committee on Education.
- SENATE BILL NO. 4262, by Senator Scott:
AN ACT Relating to public retirement systems.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 4263, by Senator Scott:
AN ACT Relating to public retirement systems.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 4264, by Senator Scott:
AN ACT Relating to appropriations.
Referred to Committee on Ways and Means.
- SENATE BILL NO. 4265, by Senator Scott:
AN ACT Relating to budget and accounting.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4266, by Senator Moore:
AN ACT Relating to school boards.
Referred to Committee on Education.

SENATE BILL NO. 4267, by Senator Jones:
AN ACT Relating to taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 4268, by Senators Zimmerman and Wilson:
AN ACT Relating to fire protection districts.
Referred to Committee on Local Government.

SENATE BILL NO. 4269, by Senator Zimmerman:
AN ACT Relating to reimbursement of local political subdivisions for costs
mandated by the state.

Referred to Committee on Local Government.

SENATE BILL NO. 4270, by Senators Zimmerman and Wilson:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 4271, by Senator Zimmerman:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 4272, by Senator Zimmerman:
AN ACT Relating to local government.
Referred to Committee on Local Government.

SENATE BILL NO. 4273, by Senator Quigg:
AN ACT Relating to veterans homes.
Referred to Committee on State Government.

SENATE BILL NO. 4274, by Senator Quigg:
AN ACT Relating to transfer of public lands.
Referred to Committee on State Government.

SENATE BILL NO. 4275, by Senator Quigg:
AN ACT Relating to transfer of state assets.
Referred to Committee on State Government.

SENATE BILL NO. 4276, by Senator Quigg:
AN ACT Relating to transfer of assets of joint operating agency.
Referred to Committee on State Government.

SENATE BILL NO. 4277, by Senator Quigg:
AN ACT Relating to sewage disposal in the Pacific Ocean.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4278, by Senator Quigg:
AN ACT Relating to the department of ecology.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4279, by Senator Quigg:
AN ACT Relating to the shoreline management act.
Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4280, by Senator Quigg:
AN ACT Relating to prison industries.
Referred to Committee on Social and Health Services.

- SENATE BILL NO. 4281, by Senator Quigg:
 AN ACT Relating to tax exemptions for churches.
 Referred to Committee on Ways and Means.
- SENATE BILL NO. 4282, by Senator Quigg:
 AN ACT Relating to common schools/voucher payment funding.
 Referred to Committee on Education.
- SENATE BILL NO. 4283, by Senators Guess, Quigg and Benitz:
 AN ACT Relating to transportation taxation.
 Referred to Committee on Transportation.
- SENATE BILL NO. 4284, by Senator Quigg:
 AN ACT Relating to acceptance of last best offer.
 Referred to Committee on Commerce and Labor.
- SENATE BILL NO. 4285, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4286, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4287, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4288, by Senator Deccio:
 AN ACT Relating to veterans' affairs and veterans' homes funding.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4289, by Senator Deccio:
 AN ACT Relating to public health laboratory user fees.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4290, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4291, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.
- SENATE BILL NO. 4292, by Senator Clarke:
 AN ACT Relating to condominiums.
 Referred to Judiciary Committee.
- SENATE BILL NO. 4293, by Senator Scott:
 AN ACT Relating to public funds.
 Referred to Committee on Ways and Means.
- SENATE BILL NO. 4294, by Senator Scott:
 AN ACT Relating to public funds.
 Referred to Committee on Ways and Means.
- SENATE BILL NO. 4295, by Senator Scott:
 AN ACT Relating to budget and accounting.
 Referred to Committee on Ways and Means.
- SENATE BILL NO. 4296, by Senator Deccio:
 AN ACT Relating to social and health services.
 Referred to Committee on Social and Health Services.

SENATE BILL NO. 4297, by Senator Deccio:
AN ACT Relating to crime victims' compensation act funding.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 4298, by Senator Deccio:
AN ACT Relating to nursing home auditing and cost reimbursement.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 4299, by Senator Deccio:
AN ACT Relating to social and health services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 4300, by Senator Bauer:
AN ACT Relating to the floating home landlord-tenant act.
Referred to Judiciary Committee.

SENATE BILL NO. 4301, by Senator Quigg:
AN ACT Relating to gambling.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4302, by Senator Quigg:
AN ACT Relating to exports.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4303, by Senator Quigg:
AN ACT Relating to imports.
Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4304, by Senator McCaslin:
AN ACT Relating to public employees' collective bargaining; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; creating a new section; and declaring an emergency.
Referred to Committee on Local Government.

SENATE BILL NO. 4305, by Senators Hemstad and Haley:
AN ACT Relating to parking for disabled persons; amending section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380; amending section 65, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.565; amending section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 27, Laws of 1979 ex. sess. and RCW 46.61.580; adding a new section to chapter 46.61 RCW; and prescribing penalties.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 4306, by Senator Haley:
AN ACT Relating to midwifery; amending section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.020; amending section 8, chapter 160, Laws of 1917 and RCW 18.50.010; amending section 2, chapter 160, Laws of 1917 and RCW 18.50.040; amending section 4, chapter 160, Laws of 1917 as amended by section 43, chapter 158, Laws of 1979 and RCW 18.50.060; amending section 7, chapter 160, Laws of 1917 and RCW 18.50.100; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 100, chapter 158, Laws of 1979 and RCW 43.24.085; adding new sections to chapter 18.50 RCW; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; and making an appropriation.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 4307, by Senators Guess and Hansen:

AN ACT Relating to state park rangers; and amending section 15, chapter 1, Laws of 1961 as last amended by section 3, chapter 118, Laws of 1980 and RCW 41.06.150.

Referred to Committee on State Government.

SENATE BILL NO. 4308, by Senators Ridder, McDermott, Fleming and Wojahn:

AN ACT Relating to recipients of personal needs allowances; adding a new chapter to Title 74 RCW; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4309, by Senator Quigg:

AN ACT Relating to nonhigh school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.56 RCW.

Referred to Committee on Education.

SENATE BILL NO. 4310, by Senator Pullen:

AN ACT Relating to elections; adding a new section to chapter 9, Laws of 1965 and to chapter 29.04 RCW; adding a new section to chapter 109, Laws of 1967 and to chapter 29.34 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Constitutions and Elections.

SENATE BILL NO. 4311, by Senator Haley:

AN ACT Relating to special rights of action and immunities; and amending section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290.

Referred to Judiciary Committee.

SENATE BILL NO. 4312, by Senator Bluechel:

AN ACT Relating to budget and accounting procedures; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 25, chapter 87, Laws of 1980 and RCW 43.88.020; amending section 43.88.070, chapter 8, Laws of 1965 and RCW 43.88.070; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 138, chapter 151, Laws of 1979 and RCW 43.88.110; amending section 43.88.130, chapter 8, Laws of 1965 and RCW 43.88.130; and amending section 2, chapter 320, Laws of 1977 ex. sess. and RCW 43.88.290.

Referred to Committee on Ways and Means.

SENATE BILL NO. 4313, by Senators Fuller and Conner:

AN ACT Relating to the youth development and conservation corps; amending section 43.51.540, chapter 8, Laws of 1965 as amended by section 2, chapter 7, Laws of 1975 and RCW 43.51.540; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 4314, by Senator Quigg:

AN ACT Relating to liens for utility services; amending section 35.21.130, chapter 7, Laws of 1965 and RCW 35.21.130; amending section 35.21.290, chapter 7, Laws of 1965 and RCW 35.21.290; amending section 35.67.200, chapter 7, Laws of 1965 and RCW 35.67.200; amending section 23, chapter 210, Laws of 1941 as last amended by section 6, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.100; and amending section 2, chapter 108, Laws of 1959 and RCW 57.08.080.

Referred to Committee on Local Government.

SENATE BILL NO. 4315, by Senators Quigg, McCaslin, Fuller, Newhouse, Gould and Bluechel:

AN ACT Relating to joint operating agencies; adding a new section to chapter 43.52. RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4316, by Senator Talley:

AN ACT Relating to hazardous materials; adding new sections to chapter 43.63A RCW; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 4317, by Senator Vognild:

AN ACT Relating to industrial insurance employee coverage, rights, and benefit adjustments; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1979 and RCW 51.12.020; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140; amending section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 42, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060; amending section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 108, Laws of 1979 and RCW 51.32.075; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 129, Laws of 1980 and RCW 51.32.090; amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 56, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.010; adding a new section to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; adding a new section to chapter 51.52 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4318, by Senators Guess, Hansen, Benitz and Metcalf:

AN ACT Relating to unlawful issuance of checks and drafts; and amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. as amended by section 14, chapter 244, Laws of 1979 ex. sess. and RCW 9A.56.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4319, by Senators Fuller and Hemstad:

AN ACT Relating to local government; and amending section 36.32.110, chapter 4, Laws of 1963 and RCW 36.32.110.

Referred to Committee on Local Government.

SENATE BILL NO. 4320, by Senators Jones, Fleming and Zimmerman:

AN ACT Relating to institutions for the mentally retarded; amending section 74.09.010, chapter 26, Laws of 1959 as amended by section 333, chapter 141, Laws of 1979 and RCW 74.09.010; amending section 2, chapter 177, Laws of 1980 and RCW 74.46.020; adding a new chapter to Title 74 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4321, by Senator Gallagher:

AN ACT Relating to unemployment compensation; and amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 74, Laws of 1980 and RCW 50.04.323.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4322, by Senators Fleming, Ridder and Wojahn:

AN ACT Relating to local correction facilities; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 141, Laws of 1979 and RCW 9.95.120; amending section 9, chapter 316, Laws of 1977 ex. sess. as amended by section 15, chapter 232, Laws of 1979 ex. sess. and RCW 70.48.090; adding new sections to chapter 70.48 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4323, by Senator Deccio:

AN ACT Relating to social and health services; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.060; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.070; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; amending section 71.12.470, chapter 25, Laws of 1959 and RCW 71.12.470; amending section 71.12.560, chapter 25, Laws of 1959 as last amended by section 1, chapter 145, Laws of 1974 ex. sess. and RCW 71.12.560; amending section 71.12.590, chapter 25, Laws of 1959 and RCW 71.12.590; amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 145, chapter 141, Laws of 1979 and RCW 72.01.050; amending section 72.01.060, chapter 28, Laws of 1959 as amended by section 146, chapter 141, Laws of 1979 and RCW 72.01.060; amending section 72.01.140, chapter 28, Laws of 1959 as amended by section 149, chapter 141, Laws of 1979 and RCW 72.01.140; amending section 72.01.150, chapter 28, Laws of 1959 as amended by section 150, chapter 141, Laws of 1979 and RCW 72.01.150; amending section 72.01.180, chapter 28, Laws of 1959 as last amended by section 152, chapter 141, Laws of 1979 and RCW 72.01.180; amending section 72.01.260, chapter 28, Laws of 1959 as amended by section 156, chapter 141, Laws of 1979 and RCW 72.01.260; amending section 72.01.320, chapter 28, Laws of 1959 as last amended by section 163, chapter 141, Laws of 1979 and RCW 72.01.320; amending section 72.23.020, chapter 28, Laws of 1959 and RCW 72.23.020; amending section 72.23.030, chapter 28, Laws of 1959 as amended by section 2, chapter 56, Laws of 1969 and RCW 72.23.030; adding a new chapter to Title 71 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 41.06 RCW; repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 3, chapter 111, Laws of 1967 ex. sess., section 7, chapter 304, Laws of 1971 ex. sess., section 30, chapter 122, Laws of 1972 ex. sess., section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7 through 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070 through 71.24.140; repealing section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; repealing section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 20, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.200; repealing section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; repealing section 22 through 26, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220 through 71.24.900; repealing section 72.06.010, chapter 28, Laws of 1959, section 59, chapter 18, Laws of 1970 ex. sess. and RCW 72.06.010; repealing section 72.06.050, chapter 28, Laws of 1959, section 46, chapter 80, Laws of 1977 ex. sess. and RCW 72.06.050; repealing section 72.06.060, chapter 28, Laws of 1959, section 47, chapter 80, Laws of 1977 ex. sess., section 185, chapter 141, Laws of 1979 and RCW 72.06.060; repealing section 72.06.070, chapter 28, Laws of 1959 and RCW 72.06.070; repealing section 72.23.900, chapter 28, Laws of 1959 and RCW 72.23.900; declaring an emergency; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4324, by Senators Guess, Quigg and McCaslin:

AN ACT Relating to public employees' collective bargaining; and amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4325, by Senator Deccio:

AN ACT Relating to social and health services; and adding a new section to chapter 70.83 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4326, by Senators Guess and Quigg:

AN ACT Relating to public employees' collective bargaining; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; amending section 7, chapter 131, Laws of 1973 as amended by section 30, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.480; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4327, by Senator Deccio:

AN ACT Relating to social and health services; and adding new sections to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4328, by Senator Deccio:

AN ACT Relating to social and health services; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4329, by Senators Clarke and Zimmerman:

AN ACT Relating to public funds; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4330, by Senator Quigg:

AN ACT Relating to taxing coin-operated gambling devices; amending section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.115; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4331, by Senator Zimmerman:

AN ACT Relating to business opportunities; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4332, by Senators Hemstad, Hayner, Haley and Gould:

AN ACT Relating to domestic violence; amending section 3, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.030; amending section 4, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.040; and adding new sections to chapter 10.99 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 4333, by Senators Fleming, Ridder and Wojahn:

AN ACT Relating to minority and women's business opportunities; adding a new section to chapter 39.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an expiration date; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 4334, by Senators Fleming and Ridder:

AN ACT Relating to contractors' bonds; and amending section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4335, by Senator Zimmerman:

AN ACT Relating to gambling; reenacting and amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 76, Laws of 1977 ex. sess. and by section 1, chapter 326, Laws of 1977 ex. sess. and RCW 9.46-.020; reenacting and amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 165, Laws of 1977 ex. sess. and by section 2, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.030; reenacting and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 76, Laws of 1977 ex. sess. and by section 3, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070; amending section 22, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.220; amending section 18, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 326, Laws of 1977 ex. sess. and RCW 9.46-.180; amending section 9, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.185; amending section 19, chapter 218, Laws of 1973 1st ex. sess. as amended by section 10, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.190; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4336, by Senators Quigg and Guess:

AN ACT Relating to the environment; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260; adding a new section to chapter 4.84 RCW; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4337, by Senators Jones and Talley:

AN ACT Relating to building codes; and amending section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 64, Laws of 1980 and RCW 19.27.060.

Referred to Committee on Local Government.

SENATE BILL NO. 4338, by Senators Williams, Haley, Scott and Charnley:

AN ACT Relating to the public health and welfare; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as last amended by section 2, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60-.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 127, Laws of 1979 and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 as last amended by section 4, chapter 127, Laws of 1979 and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 as amended by section 5, chapter 127, Laws of 1979 and RCW 49.60.176; amending section 6, chapter 141, Laws of 1973 as last amended by section 6, chapter 127, Laws of 1979 and RCW 49.60.178; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of

1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 14, chapter 37, Laws of 1957 as amended by section 7, chapter 127, Laws of 1979 and RCW 49.60.215; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 8, chapter 127, Laws of 1979 and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. as amended by section 9, chapter 127, Laws of 1979 and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. as amended by section 10, chapter 127, Laws of 1979 and RCW 49.60.224; amending section 7, chapter 167, Laws of 1969 ex. sess. as last amended by section 11, chapter 127, Laws of 1979 and RCW 49.60.225; amending section 7, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.300; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 4339, by Senators Guess, Hemstad, Lee, Bluechel and Charnley:

AN ACT Relating to bicycles; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; amending section 27, chapter 155, Laws of 1965 ex. sess. as amended by section 25, chapter 62, Laws of 1975 and RCW 46.61.160; amending section 83, chapter 155, Laws of 1965 ex. sess. as amended by section 14, chapter 141, Laws of 1974 ex. sess. and RCW 46.61.770; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 4340, by Senators Sellar, Craswell and McCaslin:

AN ACT Relating to public assistance; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1975 1st ex. sess. and RCW 74.09.120; amending section 74.09.120, chapter 26, Laws of 1959 as last amended by section 84, chapter 177, Laws of 1980 and RCW 74.09.120; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4341, by Senator Sellar:

AN ACT Relating to public assistance; amending section 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4342, by Senator Zimmerman:

AN ACT Relating to urban growth; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4343, by Senators Quigg and Guess:

AN ACT Relating to workers' compensation; and adding a new section to chapter 51.24 RCW.

Referred to Commerce on Commerce and Labor.

SENATE BILL NO. 4344, by Senator Bottiger:

AN ACT Relating to financial institutions; and adding a new chapter to Title 30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4345, by Senators Woody, Zimmerman and Gould:

AN ACT Relating to the purchase of works of art; and amending section 5, chapter 176, Laws of 1974 ex. sess. and RCW 28A.58.055.

Referred to Committee on Education.

SENATE BILL NO. 4346, by Senators Charnley and Zimmerman:

AN ACT Relating to local government; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4347, by Senators Kiskaddon and Gallagher:

AN ACT Relating to the regulation of escrow agents and officers; amending section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.020; and amending section 5, chapter 153, Laws of 1965 as last amended by section 1, chapter 70, Laws of 1979 and RCW 18.44.050.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4348, by Senators Sellar, Clarke and Bauer (by Department of General Administration request):

AN ACT Relating to financial institutions; adding new sections to chapter 43.19 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 4349, by Senator Deccio:

AN ACT Relating to local probation and parole services; amending section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020; amending section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; adding new sections to chapter 3.66 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4350, by Senator Williams:

AN ACT Relating to energy and resource savings through conservation; amending section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.030; amending section 8, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.080; amending section 9, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 293, Laws of 1971 ex. sess. and RCW 70.95.090; amending section 10, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.100; amending section 11, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.110; amending section 12, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.120; amending section 13, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.130; amending section 16, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.160; amending section 17, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.170; amending section 26, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.260; adding a new section to chapter 70.93 RCW; adding new sections to chapter 70.95 RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4351, by Senator Charnley:

AN ACT Relating to local government; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.052; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 4352, by Senators McCaslin and Quigg:

AN ACT Relating to uniformed personnel; amending section 6, chapter 131, Laws of 1973 and RCW 41.56.470; amending section 7, chapter 131, Laws of 1973 as amended by section 30, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56-.480; adding a new section to chapter 41.56 RCW; repealing section 4, chapter 131, Laws of 1973, section 29, chapter 296, Laws of 1975 1st ex. sess., section 2, chapter 14, Laws of 1975-'76 2nd ex. sess., section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; repealing section 19, chapter 87, Laws of 1980 and RCW

41.56.452; and repealing section 5, chapter 131, Laws of 1973, section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460.

Referred to Committee on Local Government.

SENATE BILL NO. 4353, by Senator Quigg:

AN ACT Relating to public assistance; amending section 1, chapter 244, Laws of 1977 ex. sess. as last amended by section 5, chapter 184, Laws of 1980 and RCW 18.51.310; amending section 35A.74.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.74.010; amending section 74.04.015, chapter 26, Laws of 1959 as last amended by section 296, chapter 141, Laws of 1979 and RCW 74.04.015; amending section 74.04.040, chapter 26, Laws of 1959 and RCW 74.04.040; amending section 74.04.050, chapter 26, Laws of 1959 as amended by section 3, chapter 228, Laws of 1963 and RCW 74.04.050; amending section 74.04.120, chapter 26, Laws of 1959 as amended by section 301, chapter 141, Laws of 1979 and RCW 74.04.120; amending section 10, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.127; amending section 17, chapter 322, Laws of 1959 as last amended by section 366, chapter 141, Laws of 1979 and RCW 74.20.160; amending section 1, chapter 211, Laws of 1979 ex. sess. and RCW 74.42.010; amending section 2, chapter 211, Laws of 1979 ex. sess. as amended by section 6, chapter 184, Laws of 1980 and RCW 74.42.020; amending section 2, chapter 177, Laws of 1980 and RCW 74.46.020; amending section 61, chapter 177, Laws of 1980 and RCW 74.46.610; amending section 4, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.030; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.20 RCW; adding a new section to chapter 82.14 RCW; creating a new section; repealing section 74.04.005, chapter 26, Laws of 1959, section 1, chapter 235, Laws of 1961, section 1, chapter 228, Laws of 1963, section 1, chapter 2, Laws of 1965 ex. sess., section 1, chapter 173, Laws of 1969 ex. sess., section 294, chapter 141, Laws of 1979, section 1, chapter 84, Laws of 1980, section 1, chapter 174, Laws of 1980 and RCW 74.04.005; repealing section 2, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.006; repealing section 74.04.011, chapter 26, Laws of 1959, section 4, chapter 173, Laws of 1969 ex. sess., section 295, chapter 141, Laws of 1979 and RCW 74.04.011; repealing section 74.04.055, chapter 26, Laws of 1959, section 4, chapter 228, Laws of 1963, section 298, chapter 141, Laws of 1979 and RCW 74.04.055; repealing section 3, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.057; repealing section 74.04.060, chapter 26, Laws of 1959, section 1, chapter 152, Laws of 1973 and RCW 74.04.060; repealing section 2, chapter 152, Laws of 1973 and RCW 74.04.062; repealing section 74.04.070, chapter 26, Laws of 1959, section 299, chapter 141, Laws of 1979 and RCW 74.04.070; repealing section 74.04.080, chapter 26, Laws of 1959, section 300, chapter 141, Laws of 1979 and RCW 74.04.080; repealing section 74.04.180, chapter 26, Laws of 1959 and RCW 74.04.180; repealing section 74.04.200, chapter 26, Laws of 1959, section 302, chapter 141, Laws of 1979 and RCW 74.04.200; repealing section 74.04.210, chapter 26, Laws of 1959 and RCW 74.04.210; repealing section 74.04.250, chapter 26, Laws of 1959 and RCW 74.04.250; repealing section 74.04.265, chapter 26, Laws of 1959, section 1, chapter 35, Laws of 1965 ex. sess., section 303, chapter 141, Laws of 1979 and RCW 74.04.265; repealing section 1, chapter 215, Laws of 1977 ex. sess. and RCW 74.04.266; repealing section 74.04.270, chapter 26, Laws of 1959, section 304, chapter 141, Laws of 1979 and RCW 74.04.270; repealing section 74.04.280, chapter 26, Laws of 1959 and RCW 74.04.280; repealing section 74.04.290, chapter 26, Laws of 1959, section 2, chapter 173, Laws of 1969 ex. sess., section 305, chapter 141, Laws of 1979, section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290; repealing section 74.04.300, chapter 26, Laws of 1959, section 18, chapter 173, Laws of 1969 ex. sess., section 1, chapter 49, Laws of 1973 1st ex. sess., section 306, chapter 141, Laws of 1979, section 2, chapter 84, Laws of 1980 and RCW 74.04.300; repealing section 1, chapter 91, Laws of 1965 ex. sess., section 307, chapter

141, Laws of 1979 and RCW 74.04.305; repealing section 2, chapter 91, Laws of 1965 ex. sess., section 308, chapter 141, Laws of 1979 and RCW 74.04.306; repealing section 74.04.310, chapter 26, Laws of 1959, section 309, chapter 141, Laws of 1979 and RCW 74.04.310; repealing section 74.04.330, chapter 26, Laws of 1959, section 5, chapter 228, Laws of 1963, section 310, chapter 141, Laws of 1979 and RCW 74.04.330; repealing section 74.04.340, chapter 26, Laws of 1959, section 311, chapter 141, Laws of 1979 and RCW 74.04.340; repealing section 74.04.350, chapter 26, Laws of 1959 and RCW 74.04.350; repealing section 74.04.360, chapter 26, Laws of 1959, section 312, chapter 141, Laws of 1979 and RCW 74.04.360; repealing section 1, chapter 112, Laws of 1961, section 1, chapter 219, Laws of 1963, section 313, chapter 141, Laws of 1979 and RCW 74.04.380; repealing section 2, chapter 219, Laws of 1963, section 314, chapter 141, Laws of 1979 and RCW 74.04.385; repealing section 2, chapter 269, Laws of 1961, section 6, chapter 228, Laws of 1963, section 315, chapter 141, Laws of 1979 and RCW 74.04.390; repealing section 3, chapter 269, Laws of 1961, section 7, chapter 228, Laws of 1963, section 316, chapter 141, Laws of 1979 and RCW 74.04.400; repealing section 4, chapter 269, Laws of 1961, section 8, chapter 228, Laws of 1963, section 317, chapter 141, Laws of 1979 and RCW 74.04.410; repealing section 5, chapter 269, Laws of 1961, section 9, chapter 228, Laws of 1963, section 318, chapter 141, Laws of 1979 and RCW 74.04.420; repealing section 6, chapter 269, Laws of 1961, section 10, chapter 228, Laws of 1963, section 319, chapter 141, Laws of 1979 and RCW 74.04.430; repealing section 7, chapter 269, Laws of 1961, section 11, chapter 228, Laws of 1963 and RCW 74.04.440; repealing section 12, chapter 228, Laws of 1963 and RCW 74.04.450; repealing section 13, chapter 228, Laws of 1963 and RCW 74.04.460; repealing section 14, chapter 228, Laws of 1963, section 320, chapter 141, Laws of 1979 and RCW 74.04.470; repealing section 15, chapter 228, Laws of 1963, section 321, chapter 141, Laws of 1979 and RCW 74.04.480; repealing section 4, chapter 172, Laws of 1969 ex. sess., section 322, chapter 141, Laws of 1979 and RCW 74.04.500; repealing section 5, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.505; repealing section 6, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.510; repealing section 7, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.515; repealing section 8, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.520; repealing section 9, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.525; repealing section 1, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.530; repealing section 2, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.540; repealing section 3, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.550; repealing section 4, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.560; repealing section 5, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.570; repealing section 6, chapter 102, Laws of 1973 1st ex. sess. and RCW 74.04.580; repealing section 1, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.600; repealing section 2, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.610; repealing section 3, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.620; repealing section 4, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.630; repealing section 5, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.640; repealing section 6, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.650; repealing section 74.08.025, chapter 26, Laws of 1959, section 1, chapter 31, Laws of 1967 ex. sess., section 1, chapter 169, Laws of 1971 ex. sess., section 1, chapter 79, Laws of 1980 and RCW 74.08.025; repealing section 74.08.030, chapter 26, Laws of 1959, section 1, chapter 248, Laws of 1961, section 2, chapter 169, Laws of 1971 ex. sess. and RCW 74.08.030; repealing section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040; repealing section 10, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.043; repealing section 11, chapter 172, Laws of 1969 ex. sess., section 1, chapter 52, Laws of 1975-'76 2nd ex. sess. and RCW 74.08.044; repealing section 12, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.045;

repealing section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047; repealing section 2, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.048; repealing section 74.08.050, chapter 26, Laws of 1959, section 3, chapter 169, Laws of 1971 ex. sess. and RCW 74.08.050; repealing section 74.08.055, chapter 26, Laws of 1959, section 323, chapter 141, Laws of 1979 and RCW 74.08.055; repealing section 74.08.060, chapter 26, Laws of 1959, section 6, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.060; repealing section 74.08.070, chapter 26, Laws of 1959, section 1, chapter 172, Laws of 1969 ex. sess., section 324, chapter 141, Laws of 1979, section 1, chapter 92, Laws of 1979 ex. sess. and RCW 74.08.070; repealing section 74.08.080, chapter 26, Laws of 1959, section 2, chapter 172, Laws of 1969 ex. sess., section 136, chapter 81, Laws of 1971 and RCW 74.08.080; repealing section 74.08.090, chapter 26, Laws of 1959, section 5, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.090; repealing section 74.08.100, chapter 26, Laws of 1959, section 137, chapter 81, Laws of 1971 and RCW 74.08.100; repealing section 74.08.105, chapter 26, Laws of 1959, section 325, chapter 141, Laws of 1979 and RCW 74.08.105; repealing section 74.08.112, chapter 26, Laws of 1959 and RCW 74.08.112; repealing section 74.08.120, chapter 26, Laws of 1959, section 1, chapter 102, Laws of 1965 ex. sess., section 1, chapter 159, Laws of 1969 ex. sess., section 1, chapter 259, Laws of 1969 ex. sess. section 326, chapter 141, Laws of 1979 and RCW 74.08.120; repealing section 74.08.210, chapter 26, Laws of 1959 and RCW 74.08.210; repealing section 74.08.260, chapter 26, Laws of 1959 and RCW 74.08.260; repealing section 74.08.278, chapter 26, Laws of 1959, section 327, chapter 141, Laws of 1979 and RCW 74.08.278; repealing section 74.08.280, chapter 26, Laws of 1959, section 328, chapter 141, Laws of 1979 and RCW 74.08.280; repealing section 74.08.283, chapter 26, Laws of 1959, section 16, chapter 228, Laws of 1963 and RCW 74.08.283; repealing section 74.08.290, chapter 26, Laws of 1959 and RCW 74.08.290; repealing section 1, chapter 34, Laws of 1965 ex. sess., section 329, chapter 141, Laws of 1979 and RCW 74.08.331; repealing section 74.08.335, chapter 26, Laws of 1959, section 330, chapter 141, Laws of 1979, section 2, chapter 79, Laws of 1980 and RCW 74.08.335; repealing section 74.08.338, chapter 26, Laws of 1959, section 331, chapter 141, Laws of 1979 and RCW 74.08.338; repealing section 74.08.340, chapter 26, Laws of 1959 and RCW 74.08.340; repealing section 74.08.370, chapter 26, Laws of 1959, section 33, chapter 106, Laws of 1973 and RCW 74.08.370; repealing section 74.08.380, chapter 26, Laws of 1959 and RCW 74.08.380; repealing section 17, chapter 228, Laws of 1963, section 7, chapter 173, Laws of 1969 ex. sess., section 332, chapter 141, Laws of 1979 and RCW 74.08.390; repealing section 2, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.540; repealing section 74.09.010, chapter 26, Laws of 1959, section 333, chapter 141, Laws of 1979 and RCW 74.09.010; repealing section 74.09.020, chapter 26, Laws of 1959 and RCW 74.09.020; repealing section 74.09.030, chapter 26, Laws of 1959, section 334, chapter 141, Laws of 1979 and RCW 74.09.030; repealing section 74.09.050, chapter 26, Laws of 1959, section 335, chapter 141, Laws of 1979 and RCW 74.09.050; repealing section 74.09.070, chapter 26, Laws of 1959, section 336, chapter 141, Laws of 1979 and RCW 74.09.070; repealing section 2, chapter 30, Laws of 1967 ex. sess., section 337, chapter 141, Laws of 1979 and RCW 74.09.075; repealing section 74.09.080, chapter 26, Laws of 1959, section 338, chapter 141, Laws of 1979 and RCW 74.09.080; repealing section 74.09.110, chapter 26, Laws of 1959, section 339, chapter 141, Laws of 1979 and RCW 74.09.110; repealing section 74.09.120, chapter 26, Laws of 1959, section 1, chapter 30, Laws of 1967 ex. sess., section 1, chapter 213, Laws of 1975 1st ex. sess., section 84, chapter 177, Laws of 1980 and RCW 74.09.120; repealing section 74.09.150, chapter 26, Laws of 1959 and RCW 74.09.150; repealing section 74.09.160, chapter 26, Laws of 1959, section 1, chapter 48, Laws of 1973 1st ex. sess., section 1, chapter

81, Laws of 1979 ex. sess., section 11, chapter 32, Laws of 1980 and RCW 74.09.160; repealing section 74.09.170, chapter 26, Laws of 1959, section 340, chapter 141, Laws of 1979 and RCW 74.09.170; repealing section 74.09.180, chapter 26, Laws of 1959, section 8, chapter 173, Laws of 1969 ex. sess., section 1, chapter 306, Laws of 1971 ex. sess., section 14, chapter 171, Laws of 1979 ex. sess. and RCW 74.09.180; repealing section 9, chapter 173, Laws of 1969 ex. sess., section 341, chapter 141, Laws of 1979 and RCW 74.09.182; repealing section 10, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.184; repealing section 12, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.186; repealing section 74.09.190, chapter 26, Laws of 1959, section 342, chapter 141, Laws of 1979 and RCW 74.09.190; repealing section 1, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.200; repealing section 2, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.210; repealing section 3, chapter 252, Laws of 1979 ex. sess. and RCW 74.09.220; repealing section 4, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.230; repealing section 5, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.240; repealing section 6, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.250; repealing section 7, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.260; repealing section 8, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.270; repealing section 9, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.280; repealing section 10, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.290; repealing section 11, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.300; repealing section 3, chapter 30, Laws of 1967 ex. sess., section 343, chapter 141, Laws of 1979 and RCW 74.09.500; repealing section 4, chapter 30, Laws of 1967 ex. sess., section 1, chapter 60, Laws of 1970 ex. sess., section 4, chapter 169, Laws of 1971 ex. sess. and RCW 74.09.510; repealing section 5, chapter 30, Laws of 1967 ex. sess., section 11, chapter 173, Laws of 1969 ex. sess., section 344, chapter 141, Laws of 1979 and RCW 74.09.520; repealing section 6, chapter 30, Laws of 1967 ex. sess., section 345, chapter 141, Laws of 1979 and RCW 74.09.530; repealing section 6, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.600; repealing section 74.09.900, chapter 26, Laws of 1959 and RCW 74.09.900; repealing section 12, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.910; repealing section 74.10.020, chapter 26, Laws of 1959, section 5, chapter 169, Laws of 1971 ex. sess. and RCW 74.10.020; repealing section 74.12.010, chapter 26, Laws of 1959, section 1, chapter 265, Laws of 1961, section 18, chapter 228, Laws of 1963, section 1, chapter 37, Laws of 1965 ex. sess., section 13, chapter 173, Laws of 1969 ex. sess., section 1, chapter 31, Laws of 1973 2nd ex. sess., section 350, chapter 141, Laws of 1979 and RCW 74.12.010; repealing section 74.12.240, chapter 26, Laws of 1959 and RCW 74.12.240; repealing section 1, chapter 206, Laws of 1961, section 21, chapter 228, Laws of 1963 and RCW 74.12.250; repealing section 22, chapter 228, Laws of 1963, section 351, chapter 141, Laws of 1979 and RCW 74.12.260; repealing section 23, chapter 228, Laws of 1963 and RCW 74.12.270; repealing section 24, chapter 228, Laws of 1963 and RCW 74.12.280; repealing section 25, chapter 228, Laws of 1963, section 352, chapter 141, Laws of 1979 and RCW 74.12.290; repealing section 26, chapter 228, Laws of 1963, section 353, chapter 141, Laws of 1979 and RCW 74.12.300; repealing section 27, chapter 228, Laws of 1963 and RCW 74.12.310; repealing section 28, chapter 228, Laws of 1963 and RCW 74.12.320; repealing section 29, chapter 228, Law of 1963 and RCW 74.12.330; repealing section 30, chapter 228, Laws of 1963, section 111, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.12.340; repealing section 1, chapter 226, Laws of 1963, section 354, chapter 141, Laws of 1979 and RCW 74.12.350; repealing section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030; repealing section 1, chapter 14, Laws of 1969 and RCW 74.22.010; repealing section 2, chapter 14, Laws of 1969, section 372, chapter 141, Laws of 1979 and RCW 74.22.020; repealing section 4, chapter 14, Laws of

1969 and RCW 74.22.040; repealing section 5, chapter 14, Laws of 1969, section 373, chapter 141, Laws of 1979 and RCW 74.22.050; repealing section 6, chapter 14, Laws of 1969 and RCW 74.22.060; repealing section 7, chapter 14, Laws of 1969, section 374, chapter 141, Laws of 1979 and RCW 74.22.070; repealing section 8, chapter 14, Laws of 1969 and RCW 74.22.080; repealing section 9, chapter 14, Laws of 1969 and RCW 74.22.090; repealing section 10, chapter 14, Laws of 1969, section 375, chapter 141, Laws of 1979 and RCW 74.22.100; repealing section 11, chapter 14, Laws of 1969, section 376, chapter 141, Laws of 1979 and RCW 74.22-.110; repealing section 12, chapter 14, Laws of 1969 and RCW 74.22.120; repealing section 1, chapter 15, Laws of 1969 and RCW 74.23.005; repealing section 2, chapter 15, Laws of 1969 and RCW 74.23.010; repealing section 3, chapter 15, Laws of 1969, section 377, chapter 141, Laws of 1979 and RCW 74.23.020; repealing section 5, chapter 15, Laws of 1969, section 378, chapter 141, Laws of 1979 and RCW 74.23.040; repealing section 6, chapter 15, Laws of 1969 and RCW 74.23.050; repealing section 7, chapter 15, Laws of 1969 and RCW 74.23.060; repealing section 8, chapter 15, Laws of 1969, section 379, chapter 141, Laws of 1979 and RCW 74.23.070; repealing section 10, chapter 15, Laws of 1969 and RCW 74.23.090; repealing section 11, chapter 15, Laws of 1969 and RCW 74.23.100; repealing section 12, chapter 15, Laws of 1969, section 380, chapter 141, Laws of 1979 and RCW 74.23.110; repealing section 13, chapter 15, Laws of 1969, section 381, chapter 141, Laws of 1979 and RCW 74.23.120; repealing section 14, chapter 15, Laws of 1969 and RCW 74.23.900; repealing section 1, chapter 203, Laws of 1969 ex. sess., section 1, chapter 87, Laws of 1971 ex. sess. and RCW 74.32.100; repealing section 2, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.110; repealing section 3, chapter 203, Laws of 1969 ex. sess., section 170, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 74.32.120; repealing section 4, chapter 203, Laws of 1969 ex. sess., section 2, chapter 87, Laws of 1971 ex. sess. and RCW 74.32.130; repealing section 1, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.140; repealing section 2, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.150; repealing section 3, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.160; repealing section 4, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.170; and repealing section 5, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.180.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4354, by Senator Lee:

AN ACT Relating to city and county health department employees; and amending section 5, chapter 46, Laws of 1949 as amended by section 2, chapter 57, Laws of 1980 and RCW 70.08.070.

Referred to Committee on Local Government.

SENATE BILL NO. 4355, by Senator Bauer:

AN ACT Relating to motor vehicle licenses; amending section 46.16.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1977 ex. sess. and RCW 46.16.010; and amending section 46.16.030, chapter 12, Laws of 1961 as amended by section 15, chapter 32, Laws of 1967 and RCW 46.16.030.

Referred to Committee on Transportation.

SENATE BILL NO. 4356, by Senator Lysen:

AN ACT Relating to plant closures in Washington state.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 4357, by Senator Vognild:

AN ACT Relating to the youth services act of 1977.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 4358, by Senators Jones, Bottiger and Hurley:
 AN ACT Relating to public accounting.
 Referred to Committee on Commerce and Labor.

SENATE BILL NO. 4359, by Senator Metcalf:
 AN ACT Relating to environmental conditions on islands.
 Referred to Committee on Parks and Ecology.

SENATE BILL NO. 4360, by Senator Hayner:
 AN ACT Relating to nonhigh school districts.
 Referred to Committee on Education.

SENATE BILL NO. 4361, by Senator Craswell:
 AN ACT Relating to extending the timber harvesters excise tax.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 4362, by Senator Woody:
 AN ACT Relating to the open meetings law.
 Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO. 112, by Senators Quigg, Metcalf, Guess,
 Fuller and Benitz:
 Requesting the repeal of the 17th Amendment to the U.S. Constitution.
 Referred to Committee on Constitutions and Elections.

SENATE JOINT RESOLUTION NO. 134, by Senators Haley and Woody:
 Amending the Constitution to provide for congressional redistricting.
 Referred to Committee on Constitutions and Elections.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 115, by Committee on Higher Education
 (originally sponsored by Representatives Winsley, Teutsch, Brown, Isaacson,
 Tupper, Burns, Rust and Greengo):

Implementing law relating to refund or cancellation of tuition and fees at insti-
 tutions of higher education.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 117, by Committee on Education (origi-
 nally sponsored by Committee on Education and Representatives Cantu, Lane and
 Johnson):

Mandating each school district board of directors have exclusive prerogative of
 determining when 180 day school year will be.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 122, by Committee on Education and
 Representatives James, Lane and Johnson:

Implementing the law relating to appeals from hearing decisions affecting the
 employment of certificated school employees.

Referred to Committee on Education.

MOTION

On motion of Senator Clarke, all measures listed on the Introduction and First
 Reading calendar were referred as indicated on the list placed on the desk of each
 member.

MOTION

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

MOTION

Senator Clarke: "With the consent of the President and the body, all motions, points of order, points of parliamentary inquiry, rulings, and appeals from rulings with respect to Senate Floor Resolution 26 and related matters be deemed withdrawn and shall not constitute a precedent for future Senate action."

MOTION

On motion of Senator Hayner, Senate Resolution 1981—26 was withdrawn.

POINT OF INQUIRY

Senator Jones: "Senator Fleming, is it true you have cornered the market on Girl Scout cookies and are going around here trying to move them at a discounted rate?"

"Is it true that you have cornered the market on Girl Scout cookies and that Yemi has you up to selling everyone and beating the records of the entire council of Seattle? Is that true?"

Senator Fleming: "We sold out today but we will have some more next week."

PERSONAL PRIVILEGE

Senator Hughes: "Prior to our noon recess, Mr. President and members of this body, it was suggested by our side to your side that the attempt to alter the long-established authority of the legislature to discipline its member, was a serious wrong. And while not all of us are pleased with the agreements that were made today, I would like to . . . that the members who realize the error of attempting to alter that well-established process.

"And I think if any precedent was established today, the precedent was established at an unconstitutional majority placed upon a body in disciplining its member, is clearly that, unconstitutional."

MOTION

At 4:22 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Friday, February 27, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 27, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gallagher and Talmadge. On motion of Senator Bluechel, Senator Gallagher was excused. On motion of Senator Ridder, Senator Talmadge was excused.

The Color Guard, consisting of Pages Mike Fleetwood and Teresa Feist, presented the Colors. Reverend Frank L. Accardy, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

February 26, 1981:
 Final passage SB 3531 as amended: Aye
 Final passage ESSB 3232: Aye
 Final passage SB 3098: Aye
 Final passage SSB 3154: Aye
 Final passage SB 3157: Aye
 Final passage SSB 3344: Aye
 Final passage SB 3250: Aye
 Final passage SB 3039: Aye
 Amend to SFR 1981—27: No

REPORTS OF STANDING COMMITTEES

February 26, 1981.

SENATE BILL NO. 3226, pertaining to reimbursement for state imposed costs upon local governments (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3226 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Ways and Means for second reading.

February 25, 1981.

SENATE BILL NO. 3385, authorizing private salmon release-recapture facilities (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3385 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senator Lysen.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3645, permitting initiative and referendum petitions to use normal size paper (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3645 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Woody.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3895, clarifying laws regulating initiatives and referendums (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3895 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Woody.

Passed to Committee on Rules for second reading.

February 26, 1981.

SENATE JOINT RESOLUTION NO. 104, providing the means to pay the indebtedness on public development projects (reported by Committee on Local Government):

Recommendation: That Substitute Senate Joint Resolution No. 104 be substituted therefor, and the substitute resolution do pass and be referred to Committee on Ways and Means.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Rereferred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENTS

February 24, 1981.

MARJORIE J. KAFER, to the position of Member of the Public Disclosure Commission, appointed by the Governor on January 19, 1981 for the term ending December 31, 1984, succeeding Jean Davis (reported by Committee on Constitutions and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Woody.

Passed to Committee on Rules.

February 24, 1981.

VALORIA ANN LOVELAND, to the position of Member of the Public Disclosure Commission, appointed by the Governor on January 19, 1981 for the term ending December 31, 1981, succeeding Malachy Scanlan (reported by Committee on Constitutions and Elections):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Woody.

Passed to Committee on Rules.

The President announced the loaves of bread placed on the desk of each member were given by the Washington Association of Wheat Growers. The bread was baked by the Blue Mountain Bakery in Dayton, Washington.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Wheat Queen. The President appointed Senators Hansen, McCaslin and Wilson as a committee of honor to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Queen Julie to address the Senate.

MOTION

On motion of Senator Jones, the following resolution was adopted:

SENATE RESOLUTION 1981-24

By Senators Rasmussen, Haley, Wojahn, Gaspard, Bottiger and Gallagher:

WHEREAS, The Mount Tahoma High School Thunderbirds football team went through its 1980 season with twelve wins and no losses, this being their second year without losing a game; and

WHEREAS, The Thunderbirds defeated Issaquah for the State AAA Championship, this being the second consecutive year that the team has won this honor; and

WHEREAS, The Thunderbirds, under coach George Nordi and his staff, conducted themselves as athletes, gentlemen, and gracious victors this year, representing the city of Tacoma and the state of Washington as state champions; and

WHEREAS, Coach George Nordi has lead the Thunderbirds to victory in twenty-five consecutive games;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Mount Tahoma High School football team, its coaches, staff, cheer staff, trainers, and entire student body be officially congratulated for their accomplishments in 1980; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Mount Tahoma High School to the coaches: George Nordi, Maurice Boughton, and Don Leebrick; the trainer: Ray Richards; the athletic director: Gregg Friberg; the team players: Brian Barabe, Fred Baxter, Quintus Baxter, Steve Bolmgren, Mike Bolte, Dave Cabrera, Robert Callaghan, Curt Chojnowski, Chuck Clifton, Fred Cooper, Jeff Daschofsky, Earl Davis, Dan Flannery, John Fuhrman, Bob Gibson, Todd Goodson, Ken Gosteli, Louis Green, Ken Hanks, Maurice Hanks, Joel Harper, Dan Hart, Chris Horn, Steve Hoye, Rod Jackson, Jody Jacobsen, Alonzo Jennings, John Johnson, Richard Lamonica, Robb Leonard, Craig Meyer, Ramon Moore, Larry Murphy, Scott Nordi, Alain Patton, Dirk Pettitt, Arnie Richards, Robert Ross, Brian Rychner, Mike Sonnier, Ken Spencer, Mike Vindivich, Lacy Walker, David White, James Whitford, Mike Young; for the yell staff: Socorro Caro, Terrie Guesman, Donna Kollar, Kathy Walker; for the song staff: Cheryl Kalerak, Yong Kim, Fay Rupp, Sandy Vindivich; for the T-Bird: Kim Lowery; for the team physicians: Dr. Jeff Nacht, Dr. Daniel Thomas; for the band director: Stuart Lane; and for the administration: Mr. John Buffaloe, principal, Mr. Jim McDonald, assistant principal, and Mr. Don Doran, assistant principal.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Mt. Tahoma Thunderbird football team and appointed Senators Rasmussen, Haley, Wojahn, Gaspard, Bottiger and Gallagher as a committee of honor to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Coach George Nordi and two of the team members to address the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

The committee of honor escorted the Wheat Queen from the Senate Chamber and the committee was discharged.

MOTIONS

Senator McDermott moved the Senate now consider Senate Resolution 1981—27 and moved adoption of that resolution.

On motion of Senator Clarke, Senate Resolution 1981—27 will be considered later today.

POINT OF INQUIRY

Senator McDermott: "Senator Clarke, a later date, Senator Clarke?"

Senator Clarke: "I would like Senator Bluechel to respond. I understand he has an amendment and that is the reason, and also Senator Deccio."

Senator Bluechel: "Senator McDermott, the amendments are being drawn right now. There is no intent to hold the bill other than long enough to get the amendments drawn."

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

February 27, 1981.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3209,

SUBSTITUTE SENATE BILL NO. 3210, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

February 27, 1981.

Mr. President: The House has passed: SENATE BILL NO. 3531 with the following amendment: On page 1, line 9, strike "one million seven hundred fifty" and insert "seven hundred eighty-eight", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendment to Senate Bill No. 3531.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3531, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gallagher, Talmadge—2.

SENATE BILL NO. 3531, as amended by the House, 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.

SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 3531.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bills 3263, 3000, 3114, 3252 and Senate Joint Resolution No. 108 were ordered held for consideration on March 2, 1981.

On motion of Senator Guess, Senate Bill No. 3033 will be considered following Senate Bill No. 3154.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3232, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Talley, Charnley, Gallagher, Conner, Lysen, Patterson and Peterson):

Requiring approval and use of child safety restraints in vehicles.

The Senate resumed consideration of Substitute Senate Bill No. 3232, which had been amended by the Senate on February 20, 1981.

On motion of Senator Bottiger, the Senate moved to reconsider the amendments by Senator Hansen that were adopted on February 20, 1981.

There being no objection, on motion of Senator Hansen, the amendments were withdrawn.

On motion of Senator Hansen, the following amendments were considered and adopted simultaneously:

On page 1, line 10, after "upon any" strike all of the material through line 13 and insert:

"federal interstate or state highway, or any part thereof, state patrol officers may determine and declare closures and temporarily reroute traffic from any such affected highway after consultation with the sheriff of the county in which the highway is located. County sheriffs shall have jurisdiction over county roads within their county in determining the need for and declaring county road closures."

On page 1, line 21, after "patrol" insert "or the county sheriff"

On motion of Senator Guess, the rules were suspended, Engrossed Substitute Senate Bill No. 3232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3232 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Gallagher, Talmadge—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3098, by Senators von Reichbauer, Quigg and Talley:

Permitting fare adjustments on public transportation facilities for distinguishable classes of users.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3098 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3098, and the bill passed the Senate by the following vote: Yeas, 45, nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Fuller—1.

Excused: Senators Gallagher, Talmadge—2.

SENATE BILL NO. 3098, 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.

POINT OF INQUIRY

Senator Talley: "Senator Quigg, this was your bill, you are the principal beneficiary in Grays Harbor county. Now you have \$5 million dollars in surplus funds in this transportation system, you would not object if we transferred it to the general fund, would you?"

Senator Quigg: "Well, Senator, there is a way you can get some of that funding down in your own area and all you have to do is call the Supply System and ask them to build a couple of power plants in your county and I am sure that you, too, would find yourself with that same surplus condition."

SECOND READING

SENATE BILL NO. 3154, by Senators Wojahn, Hayner and Talmadge:
Regulating individual account deposits in financial institutions.

MOTIONS

On motion of Senator Hayner, Substitute Senate Bill No. 3154 was substituted for Senate Bill No. 3154 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hayner, the rules were suspended, Substitute Senate Bill No. 3154 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3154, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Fuller—1.

Excused: Senators Gallagher, Talmadge—2.

SUBSTITUTE SENATE BILL NO. 3154, 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 Clarke, Senate Bill No. 3033 will be considered following Senate Bill No. 3250.

SECOND READING

SENATE BILL NO. 3157, by Senators Charnley, Williams, Gould and Goltz: Authorizing revenue bonds for cities and towns for energy conservation.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Senate Bill No. 3157 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3157, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Fuller, Vognild—2.

Excused: Senators Gallagher, Talmadge—2.

SENATE BILL NO. 3157, 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.

MOTIONS

On motion of Senator Clarke, Senator Fuller was excused.

On motion of Senator Newhouse, Senate Bill No. 3158 will be held for consideration March 2, 1981.

SECOND READING

SENATE BILL NO. 3344, by Senators McDermott, Scott, Gaspard, Kiskaddon, Goltz, Wojahn, Bauer, Zimmerman and Fleming:
Allocating funds for facilities for the handicapped.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3344 was substituted for Senate Bill No. 3344 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 3344 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Fleming, Senator Vognild was excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, at the time the bond issue was being considered in the committee on ways and means, it was proposed at that time that these projects, we were told at that time that these projects, once they were authorized that the full funding for the operations and the equipment was a cost to the various municipalities, cities, counties or particular agencies, is this correct?"

Senator Scott: "Senator Rasmussen, it is my understanding that the costs, and I assume you refer to administrative costs, . . ."

Senator Rasmussen: ". . . and operational costs, yes."

Senator Scott: ". . . well, operational costs are included in the amount of the grant to the respective agency, for instance the five I named from Pierce county. The administrative costs are taken care of at the state level by setting aside \$500,000 of the \$25 million."

POINT OF INQUIRY

Senator Wojahn: "Senator Scott, I did not hear you mention the multiple facility for hearing and visually impaired in Pierce county, and I wonder, when I signed the bill out I am sure that was in there and I am curious about it."

Senator Scott: "Senator, there were only two changes, and there was a single deletion and that was not it, so the answer is it is in."

POINT OF INQUIRY

Senator Fleming: "Senator Scott, you indicated that, and the digest so indicates, that one program would be eliminated and one added. Is it possible that you know what those programs are?"

Senator Scott: "Well, the one that was added, if memory serves, was the one that Senator Goltz spoke to that is a Whatcom county project. The one that was deleted, I remember Senator Wojahn's was not the one but I frankly cannot, it was on recommendation of the department, however."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3344, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Gallagher, Talmadge, Vognild—3.

SUBSTITUTE SENATE BILL NO. 3344, 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 Clarke, Senate Bill No. 3007 was ordered held for consideration on March 2, 1981.

SECOND READING

SENATE BILL NO. 3250, by Senators Deccio, Williams and Talley (by Insurance Commissioner request):

Requiring surplus line brokers to be residents of this state.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3250, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Gallagher, Talmadge, Vognild—3.

SENATE BILL NO. 3250, 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 Clarke, Senate Bill No. 3035 was ordered held for consideration on March 2, 1981.

SECOND READING

SENATE BILL NO. 3033, by Senators Goltz, Williams and Ridder:
Authorizing municipal corporation heating systems.

MOTIONS

On motion of Senator Goltz, Substitute Bill No. 3033 was substituted for Senate Bill No. 3033 and the substitute bill was placed on second reading and read the second time in full.

Senator Guess moved adoption of the following amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"NEW SECTION. Section 1. There is added to chapter 35.84 RCW a new section to read as follows:

Cities and towns are authorized to contract with any person, partnership, company, joint venture, or corporation to construct, operate, and maintain heating systems which distribute to users heat from sources including, but not limited to, naturally heated fluids or vapors and steam or water heated by biomass combustion or other heat liberating processes involving biomass, waste heat from industrial processes, or energy from a cogeneration plant. If a city or town has not entered into a contract to carry out the functions authorized by this section within five years after the effective date of this act, it shall not thereafter be authorized to enter into such a contract.

NEW SECTION. Sec. 2. There is added to chapter 36.22 RCW a new section to read as follows:

Counties are authorized to contract with any person, partnership, company, joint venture, or corporation to construct, operate, and maintain heating systems which distribute to users heat from sources including, but not limited to, naturally heated fluids or vapors and steam or water heated by biomass, waste heat from industrial processes, or energy from a cogeneration plant. If a county has not entered into a contract to carry out the functions authorized by this section within five years after the effective date of this act, the county shall not thereafter be authorized to enter into such a contract.

NEW SECTION. Sec. 3. There is added to chapter 53.08 RCW a new section to read as follows:

Port districts are authorized to contract with any person, partnership, company, joint venture, or corporation to construct, operate, and maintain heating systems which distribute to users heat from sources including but not limited to naturally heated fluids or vapors and steam or water heated by biomass, waste heat from industrial processes, or energy from a cogeneration plant. If a port district has not entered into a contract to carry out the functions authorized by this section within five years of the effective date of this act, it shall not thereafter be authorized to enter into such a contract.

NEW SECTION. Sec. 4. There is added to chapter 54.16 RCW a new section to read as follows:

Districts are authorized to contract with any person, partnership, company, joint venture, or corporation to construct, operate, and maintain heating systems which distribute to users heat from sources including but not limited to naturally heated fluids or vapors and steam or water heated by biomass combustion or other heat liberating processes involving biomass, waste heat from industrial processes, or energy from a cogeneration plant. If a district has not entered into a contract to carry out the functions authorized by this section within five years of the effective date of this act, it shall not thereafter be authorized to enter into such a contract."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order if the amendment expands the scope and object of the bill, if I may speak to it.

"Mr. President, using Senator Guess' own argument, he has, in the object of the bill, stripped away all of the language of the bill and inserted a two very simple

paragraphs that allow people to do what they can already do now. In other words, by his amendment he reverts us back to the original law and I think that very clearly expands the scope and object of the bill within the prior rulings of the Senate."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, it is true that the bill, the amendment as I have offered, will put this in the hands of free enterprise and the other way the bill was written, would create a governmental, another level of government agencies. The total impact of the amendment will just say that the locals can create local heating districts, but the sale of the power has to be done the wholesale level and, it does not put the government into business in another way."

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3033, together with the amendment by Senator Guess and the Point of Order raised by Senator Bottiger, was ordered held for further consideration on March 2, 1981.

SECOND READING

SENATE BILL NO. 3039, by Senators Hansen and Gaspard:

Modifying the exemption for alcohol to be used in certain equipment and implements.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3039 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3039, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Hemstad—1.

Excused: Senators Gallagher, Talmadge, Vognild—3.

SENATE BILL NO. 3039, 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.

MOTIONS

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

Senator McDermott moved adoption of the following resolution:

SENATE FLOOR RESOLUTION 1981—27

By Senator McDermott:

WHEREAS, The Washington State Legislature has enacted, by constitutional majorities in both houses, the Supplemental Budget and associated statutory changes including Engrossed Substitute House Bill No. 245; and

WHEREAS, ESHB 245 changed the procedures and eligibility for medical assistance for some persons residing in nursing homes; and

WHEREAS, Senator George Scott, Chairman of the Senate Ways and Means Committee, Senator Alex Deccio, Chairman of the Senate Social and Health Services Committee, Representative Rod Chandler, Chairman of the House Ways and Means Committee, Representative James Mitchell, Chairman of the House Human Services Committee, and, Representative Andrew Nisbet, Chairman of the House Appropriation-Human Services Committee have directed correspondence to Mr. Alan Gibbs, Secretary of the Department of Social and Health Services, with regard to the legislative intent with regard to ESHB 245; and

WHEREAS, Tradition, statute, and Case law do not allow the intent of the legislature to be given by anyone member or group of members;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session this 27th day of February, 1981. That it is indeed the feeling and intent of this august body that medical care services should be continued to be given to all occupants of nursing homes who were, prior to enactment of ESHB 245, eligible for such care; and

BE IT FURTHER RESOLVED, That the Washington State Senate fully intends to fund any discrepancy between the supplemental budget and the cost of providing such services, in further supplemental budgets; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Alan Gibbs, Secretary of the Department of Social and Health Services, and The Honorable John Spellman, Governor of the State of Washington, and the House of Representatives.

MOTIONS

On motion of Senator Ridder, Senator Hansen was excused.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Deccio:

Strike all language and substitute the following:

"WHEREAS, The Washington State Legislature has enacted, by constitutional majorities in both houses, the Supplemental Budget and associated statutory changes; and

WHEREAS, It has always been the intent of this august body to adequately provide medical care services to occupants of nursing homes; and

WHEREAS, Senator George Scott, Chairman of the Senate Ways and Means Committee; Senator Alex Deccio, Chairman of the Senate Social and Health Services Committee; Representative Rod Chandler, Chairman of the House Ways and Means Committee; Representative James Mitchell, Chairman of the House Human Services Committee; and Representative Andrew Nisbet, Chairman of the House Appropriation-Human Services Committee have communicated this concern and intent to the Secretary of the Department of Social and Health Services so as to insure adequate medical care for our citizens who reside in nursing homes;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session this 27th day of February, 1981, that it continues to be the feeling of this body that medical care services be provided to occupants of nursing homes and the Senators and Representatives named above are commended for reinforcing that commitment with the Department of Social and Health Services; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Alan Gibbs, Secretary of the Department of Social and Health Services, and the Honorable John Spellman, Governor of the State of Washington, and the House of Representatives."

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Hayner yield?"

Senator Hayner refuses to yield.

Senator McDermott: "I was only going to ask you what the bill number was in the House? Our staff called the House, asked them for the bill; they had no such bill so if you are aware of a bill number I would appreciate your telling us."

Senator Moore demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Bluechel and Deccio to Senate Resolution 1981—27.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 20; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Williams, Wilson, Wojahn, Woody—20.

Absent or not voting: Senator Shinpoch—1.

Excused: Senators Gallagher, Hansen, Talmadge, Vognild—4.

The motion by Senator McDermott carried and the resolution, as amended, was adopted.

MOTIONS

On motion of Senator von Reichbauer, the Committee on State Government was relieved from further consideration of gubernatorial appointment 378, John Gonzalez.

Gubernatorial appointment 378, John Gonzalez, was rereferred to the Committee on Transportation.

On motion of Senator von Reichbauer, the Committee on State Government was relieved from further consideration of Senate Bill No. 4316.

On motion of Senator von Reichbauer, Senate Bill No. 4316 was rereferred to the Committee on Transportation.

POINT OF INQUIRY

Senator Williams: "Senator Hayner, in regards to the comments I made earlier about courtesies of the language that is put on various bills and resolutions of members, is it going to be a practice of your side of the aisle to do that in the future? We have, many of us introduced title only bills and so forth, which, you know in a delightful game of retribution and so forth, many of us could end up with bills that completely turn the meaning of what the original intent was; and as we saw here just a moment ago. Is it going to be a practice of your side of your aisle to do that in the future?"

Senator Hayner: "Well, we are certainly going to give you every courtesy we can, Senator Williams. I think you raise that objection when and if you feel as though you have been violated."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "In further answer to Senator Williams' question, I took the amendment that was passed to Senator McDermott. He declined to accept it with his name on it and said 'You run the amendment,' so we were doing exactly what Senator McDermott suggested. He said 'You run the amendment and see where it goes.'"

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 1981.

Mr. President: The Speaker has signed: SENATE BILL NO. 3531, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

At 12:55 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Monday, March 2, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 2, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Talmadge. On the motion of Senator Ridder, Senator Talmadge was excused.

The Color Guard, consisting of Pages Mary Ann Briere and Kenneth Sellen, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 2, 1981:

Gould motion to concur in House Amend. to ESSB 3041 Line 22: No

Pg. 2, Line 3: No

Pg. 2, Line 19: No

Gould motion not to concur in ESSB 3041, etc. Pg. 2, Line 20: Aye

Gould motion to concur, etc., ESSB 3041 Pg. 3, Line 1: No

REPORTS OF STANDING COMMITTEES

February 27, 1981.

SENATE BILL NO. 3025, modifying taxation of historic properties (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3025 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1981.

SENATE BILL NO. 3073, exempting from the open public meetings act portions of a meeting at which the state auditor's preliminary report is received (reported by Committee on Constitutions and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 26, 1981.

SENATE BILL NO. 3356, revising procedures for irrigation district elections (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1981.

SENATE BILL NO. 3358, modifying delinquency provisions on irrigation district assessments (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed by Committee on Rules for second reading.

February 26, 1981.

SENATE BILL NO. 3363, providing for payment by irrigation districts of defense and judgments of employees acting in official capacity (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3363 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

February 25, 1981.

SENATE BILL NO. 3380, implementing the law relating to cooperative associations and voting by the members thereof (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3380 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

February 27, 1981.

SENATE BILL NO. 3449, abolishing certain accounts for high school districts used for moneys from nonhigh districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Scott.

Passed to Committee on Rules for second reading.

February 27, 1981.

SENATE BILL NO. 3612, establishing a state parks campsite reservation and information system (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Fuller, Chairman; Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Ways and Means for second reading.

February 27, 1981.

SENATE BILL NO. 3724, adding requirement for education on drug effects to school curriculum (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Scott.

Passed to Committee on Rules for second reading.

February 25, 1981.

SENATE BILL NO. 3785, authorizing certain lenders to be identified as mortgage bankers (reported by Committee on Financial Institutions and Insurance): MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 27, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 7, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 7, by Representatives Nelson (G), Stratton, Nelson (D), Patrick, Wilson, Mitchell, Salatino and Granlund: Establishing an interim joint select committee on illegal drug trafficking. Referred to Committee on Rules.

MOTION

At 11:10 a.m., on motion of Senator Clarke, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

The President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 12:10 p.m.

MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 24, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 3041, with the following amendments:

On page 1 of the engrossed bill, beginning on line 22, strike all material down to and including "resources." on page 2, line 3 of the engrossed bill.

On page 2, line 3 of the engrossed bill, after "resources." strike all material down to and including "party."

On page 2, beginning on line 19 of the engrossed bill strike all of subsection (4).

On page 2, beginning on line 30 of the engrossed bill, being page 2, line 23 of the printed bill, strike all of subsection (3) and renumber the remaining subsections consecutively.

On page 3, line 1 of the engrossed bill, being page 2, line 29 of the printed bill, after "council" strike all material down to and including "region" on line 3, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

Senator Gould moved the Senate do concur in the House amendments to page 1, line 22; page 2, line 19; and page 3, line 1 to Engrossed Substitute Senate Bill No. 3041.

On motion of Senator Williams, the question was divided.

Senator Gould moved that the Senate do concur in the House amendment to page 1 of the engrossed bill, beginning on line 22.

Debate ensued.

Senator Fleming, demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gould that the Senate do concur in the House amendment to page 1, beginning on line 22.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Talmadge—1.

POINT OF INQUIRY

Senator Hughes: "Senator Gould, if I was convinced this amendment was cleansing I would support it. If you will look on page 2, line 3 and 4, what it cleanses out of there is a bipartisan appointment. I will save those comments until later, Senator. Thank you."

MOTION

Senator Gould moved the Senate do concur in the House amendment to page 2, line 3 of Engrossed Substitute Senate Bill No. 3041.

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gould that the Senate do concur in the House amendment to page 2, line 3.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Talmadge—1.

MOTION

Senator Gould moved the Senate do concur in the House amendment to page 2, beginning on line 19 of Grossed Substitute Senate Bill No. 3041.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Mr. President, would Senator Clarke yield to a question? Or would Senator Gould yield to a question?"

"I am trying to find out, Senator Gould or whoever else can answer, I thought I needed, maybe someone with more legal background.

"As I look at the requirement of the appointment, it says 'with the consent of the Senate' in section 3. And over in section 4, the section that we are dealing with now, it appears that we are qualifying the consent of the Senate by establishing the legal parameters within which such an appointee can truly serve the state of Washington.

"My question is, you know, what kind of a legal cloud hangs over a person who is not covered by the consent of the Senate, if that appointment goes on indefinitely without some parameter?"

REMARKS BY SENATOR GOULD

Senator Gould: "I yield to Senator Clarke on that."

REMARKS BY SENATOR CLARKE

Senator Clarke: "In answer to Senator Goltz, that would be governed by our present confirmation statute. What the amendment that is being stricken requires action on the confirmation within a specified period of time. Under our present procedure the Senate may make its own determination as to the timing within which it brings the matter up for confirmation vote or nonconfirmation vote."

President Cherberg: "Senator Goltz still has the floor."

Senator Goltz: "Senator Clarke, what I am trying to establish is the legal parameters within which these people are serving on a council for the state of Washington, along with representation from other states. Is it not likely that if we have unconfirmed appointees serving indefinitely, that they are thereby serving under a cloud which is not described in the statutes sufficiently to cover them under those circumstances?"

Senator Clarke: "Senator, my answer to that would be that I think the precedent is pretty well settled under our present law, that once the governor makes an appointment which is subject to Senate confirmation, the person so appointed is immediately empowered to act, and that actually the only authority the Senate has, in substance, is one of future rejection so that the person so acting during the interim between which the governor appoints and the Senate considers the confirmation or nonconfirmation, the person may act, during that period, with full powers of office and I think there is ample precedent for this; there have been rather numerous instances where appointees have gone for several years before being brought before the Senate for confirmation or nonconfirmation and, as far as I

know, there has never been a question but what the action taken by those appointees during that period was entirely legal."

REMARKS BY SENATOR GOULD

Senator Gould: "Mr. President, I hope, in an effort, to close debate and briefly, I would like to let those know who are concerned that I intend to have hearings on these appointments as soon as possible after they are appointed, that is, within the time we get the information they have required to offer to the Senate and to the committee.

"I also intend to push for action by this body, either for or against, but before the end of this session, so that we will take that action."

Senator Wilson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gould that the Senate do concur in the House amendment to page 2, beginning on line 19.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Böttiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Talmadge—1.

MOTION

Senator Gould moved the Senate do not concur in the House amendment to page 2, beginning on line 30 of the engrossed bill, being page 2, line 23 of the printed bill to Engrossed Substitute Senate Bill No. 3041, and asks the House to recede therefrom.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gould that the Senate do not concur in the amendment to page 2, beginning on line 30 of the engrossed bill, being page 2, line 23 of the printed bill and ask the House to recede therefrom.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

MOTION

Senator Gould moved the Senate do concur in the House amendment to page 3, line 1 of the engrossed bill, being page 2, line 29 of the printed bill, to Engrossed Substitute Senate Bill No. 3041.

Debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gould that the Senate do concur in the House amendment to page 3, line 1 of the engrossed bill, being page 2, line 29 of the printed bill.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator Talmadge—1.

The Senate concurred in the House amendments to Engrossed Senate Bill No 3041 with the exception of the amendment to page 2, line 30 of the engrossed bill, being page 2, line 23 of the printed bill and asks the House to recede therefrom.

MOTION

At 1:08 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Tuesday, March 3, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 3, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Talmadge. On motion of Senator Ridder, Senator Talmadge was excused.

The Color Guard, consisting of Pages Deborah Brunton and Michel Girard, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 2, 1981:

Final passage ESSB 3041: No

Final passage SB 3252: Aye

Gould amend to SB 3000: Aye

Final passage ESB 3000: Aye

REPORTS OF STANDING COMMITTEES

February 27, 1981.

SENATE BILL NO. 3514, correcting terminology by using the term councilmember (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3514 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE BILL NO. 3532, permitting the use of a renewed vehicle license for a full twelve month period (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE BILL NO. 3776, revising procedures for issuance of vehicle trip permits (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE JOINT MEMORIAL NO. 105, requesting Congress to amend the Constitution to require a balanced federal budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 2, 1981.

ROBERT W. BRATTON, to the position of Chairman of the Utilities and Transportation Commission, appointed by the Governor on January 19, 1981 for the term ending January 1, 1987, succeeding Robert Bailey (reported by Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gould, Chairman, McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams, Wilson.

Passed to Committee on Rules.

March 3, 1981.

FRED HULEEN, to the position of Member of the State Personnel Board, appointed by the Governor on January 19, 1981 for the term ending January 4, 1983, succeeding Margaret C. Wehnert (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

March 3, 1981.

CARL G. WESTINE, to the position of Member of the State Personnel Board, appointed by the Governor on January 19, 1981 for the term ending January 4, 1985, succeeding Taul Watanabe (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 3, 1981.

Mr. President: The Speaker has signed: SENATE CONCURRENT RESOLUTION NO. 103, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 3, 1981.

Mr. President: The Speaker has signed: HOUSE BILL NO. 103, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I think that it is important to remind the Republican members of this body that their Governor and our Governor, of course, Governor Spellman, said once again he has been trampled on by the herd upstairs. And I would hope that some day that Governor Spellman is going to take the herd in hand and keep them under control.

"He does not like this present power bill. He wanted to maintain the nonpartisan attitude that we have tried to, that Senator Bottiger had worked on with him, and apparently he was not able to reason with unreasonable people. You have not always been that unreasonable and I would hope that the words of warning that your Governor's offered over the TV at the news conference, he's very unhappy with the way you are acting up here in overriding his wishes."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President.

"Very interesting to see Senator Rasmussen's change of posture with respect to what particular governor happens to be there, or whether he's in agreement with us personally or whether he is not.

"I think he is noted on this floor for either violently opposing the governor, or just as . . . vehemently supporting the governor; and I think it depends completely upon Senator Rasmussen's own particular viewpoint at the time which he seeks to support by, in effect, using the governor, either in an adverse capacity or a supportive capacity.

"Then, Senator, we appreciate your remarks with respect to the governor and we think we can handle our relationship with the governor without too much help from you."

MESSAGE FROM THE HOUSE

March 3, 1981.

Mr. President: The House has receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 3041, on page 2, line 30 of the engrossed bill, being page 2, line 23 of the printed bill, and has passed the bill with the remaining House amendments, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3041, as amended by the House. Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3041, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Williams, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Vognild, Wilson, Wojahn, Woody—20.

Excused: Senator Talmadge—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3041, as amended by the House, 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.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 103.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 27, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise you that on February 27, 1981, Governor Spellman approved the following Senate bills entitled:

Senate Bill No. 3209: Relating to the state treasurer.

Substitute Senate Bill No. 3210: Relating to the state treasurer.

Senate Bill No. 3531: Relating to Western Washington University.

Sincerely,
MARILYN SHOWALTER
Counsel.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, at the request of Senator Woody, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 4, 1981.

SECOND READING

SENATE BILL NO. 3000, by Senators von Reichbauer, Clarke, Bottiger, Hayner, Sellar, Goltz, Talmadge and Jones (by request of Select Committee on Confirmation of Appointments):

Modifying provisions relating to confirmation of gubernatorial appointees.

REPORT OF STANDING COMMITTEE

February 3, 1981.

SENATE BILL NO. 3000, modifying provisions relating to confirmation of gubernatorial appointees (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 23, strike all of subsection (1) and insert "Gubernatorial appointees subject to senate confirmation may continue serving unless their appointment is rejected by vote of the senate or returned to the governor in accordance with section 1 of this act. An appointee whose appointment is rejected shall not be reappointed to the same position for a period of one year from the date of rejection."

Signed by: Senators Woody, Chairman; Fuller, Gould, Moore, Peterson, Ridder.

The bill was read the second time by sections.

On motion of Senator Pullen, the committee amendment was not adopted.

Senator Gould moved adoption of the following amendment:

On page 2, after line 32, insert:

"(3) Nominees to the Northwest Electric Power and Conservation Planning Council shall be considered appointees subject to this section."

POINT OF INQUIRY

Senator Goltz: "Senator Gould, I notice that your amendment makes reference, in the last line, as being subject to this section.

"Did you mean chapter, or do you really mean section, because under the word 'section,' I believe it only applies to the section which it is in and that is section 2, I am wondering whether you mean chapter or section?"

Senator Gould: "I guess I would have to defer on that; I didn't double check that in the language and if you could hold up for just a few seconds I will make sure that that is the appropriate way to do it."

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3000, together with the pending amendment by Senator Gould, was ordered held for further consideration following Senate Bill No. 3252.

On motion of Senator Clarke, Senate Bill No. 3114 was ordered held at the end of the second reading calendar due to the illness of the sponsor.

SECOND READING

SENATE BILL NO. 3252, by Senators Charnley, Gallagher, Ridder and Hughes:

Requiring approval and use of child safety restraints in vehicles.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Gallagher: "Senator Charnley, there is some question in my mind, I am a strong supporter of this but that we not get into such a situation where one company is the sole manufacturer of a restraint. The intent of this, I think, is honorable; I support it . . . well, but there is some question about what the intent is, to let some company or some safeguard that the company doesn't get exclusive rights to sell these types of devices?"

Senator Charnley: "Thank you, Senator Gallagher. I can assure you that the intent of the sponsors and the supporters of this, and I believe the intent of the legislature, is that the rules which will be established, shall very clearly be rules formed in a way that would allow all forms of correctly designed and various types of child restraints be made available to the public, so the public does, indeed, have a choice.

"I appreciate the question very much."

POINT OF INQUIRY

Senator Rasmussen: "Senator Charnley, I note on page 1, lines 18 and 19, 'parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under' . . . RCW 46. That obviously would say that it has to be an automobile registered in this state; out-of-state cars driving on our highways without restraint would not, the state patrol would not be able to fine them, ticket them and then fine them. Is that correct?"

Senator Charnley: "That is quite correct, Senator Rasmussen. This bill deals only with state residents, as you described."

Senator Rasmussen: "Then the other question would be related to 'his or her own.' If I were driving my brother's car I would not have to have children in restraint, because I did not own the car?"

Senator Charnley: "That is also quite correct."

Senator Rasmussen: "How would the state patrol be able to tell the difference? Or the local police?"

Senator Charnley: "I presume the state patrol, if that became a question, in the two states where this law is now in effect under similar language, the only time that really the police become involved is in investigating an accident, and in investigating accident, determining the ownership; that would be part of the questions they would normally check at any rate. And I think that would be the . . ."

Senator Rasmussen: "My understanding, in reading the bill is they would be able to give you a ticket if you were driving in your car without the child in restraint."

Senator Charnley: "Senator Rasmussen, that is true in theory; however, in practice the state patrol and other law enforcement agencies who have also been consulted in dealing with this legislation, say that all they would like to see is this

law in the books so that they could help encourage people to use this type of protection. I would point out to you that in terms of the infractions, the first one is only a warning and the second one is only a thirty dollar fine, both of which are much cheaper or, thirty dollars is about the same cost as the cost of a child restraint and device. And I think this is what we are trying to do here, is a reasonable law that will call people's attention to the necessity and desirability of using them."

Senator Rasmussen: "One more question, Senator Charnley, please.

"Being a parent of four children and bringing my wife home from the hospital, we usually carried the baby in arms, I driving and my wife carrying the baby. That would then become illegal under this law?"

Senator Charnley: "Senator Rasmussen, I could only most emphatically say 'yes,' that is not a safe way to carry a child. In the case where there is nobody using, the adult is not using a seat restraint of some form, then the adult becomes an additional force that essentially crushes the child between him or her and the dash board. Holding a child, statistics show holding a child in the arms and carrying it that way is very, very dangerous, and you are quite correct, a parent or somebody holding it is not a child restraint."

Senator Rasmussen: "Of course, Senator Charnley, this does not relate to restraints for adults, only for children?"

Senator Charnley: "That is quite correct. The reason a small child, one to five, needs to have some form of well-designed child restraint, is that it is almost as dangerous, or probably as dangerous, to put a small child—I think Dr. Haley could confirm this for me—in a seat belt because their bone structure is different and the seat belt would cause serious internal injury even though the seat belt kept them in the seat. So it is not proper to use a regular seat belt for a small child. That is why restraints of different types should be designed and used."

Further debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Senator Charnley, the violations under this proposed bill, would they become part of the driver's profile, the driver's record?"

Senator Charnley: "This is a traffic violation; yes, they would."

Senator Gaspard: "And that record would then be available to the insurance companies for determination of insurance coverage?"

Senator Charnley: "As you well know Senator Gaspard, that is the present law, yes."

Senator Gaspard: "One other question. If an individual is stopped for speeding and the child is not using the child restraint, can they also be cited for violation under this section?"

Senator Charnley: "That would be up to the arresting officer."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Clarke, just because you are an attorney, I wanted to ask you a question, I thought perhaps you are one of the few who could answer.

"The way you read this bill, if one spouse has the youngster out in the car and doesn't comply with the law and that youngster is killed, would that, could that lead to a lawsuit on the part of the other half of the marriage, to bring suit against his or her own spouse?"

Senator Clarke: "Responding to the question, of course anybody can bring a lawsuit whether it's well-founded or not. But it is also true that violation of any statute is negligence per se. In other words, that establishes the fact of negligence so

that if injury results from that negligence, then suit may be brought on behalf of anyone so injured, relying upon that particular act of negligence."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3252, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Gallagher, Goltz, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Ridder, Scott, Shinpoch, Vognild, Williams, Wojahn, Zimmerman—23.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Fuller, Gaspard, Gould, Guess, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, von Reichbauer, Wilson, Woody—25.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3252, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard served notice that he would, on the next working day, move for reconsideration of Senate Bill No. 3252 which failed to pass.

SECOND READING

SENATE BILL NO. 3158, by Senators Talmadge, Jones, Bottiger, Talley, Hayner and Clarke:

Making changes in the tort law with emphasis on product liability law.

REPORT OF STANDING COMMITTEE

February 3, 1981.

SENATE BILL NO. 3158, making changes in the tort law with emphasis on product liability law (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 14, after "A product" strike "seller" and insert "seller"

On page 5, line 22, after "circumstances." insert "This duty is satisfied if the manufacturer exercises reasonable care to inform product users."

On page 6, line 5, after "that" strike "chapter" and insert "title"

On page 7, line 5, after "STANDARDS." insert "(1)"

On page 7, line 12, after "fact" insert "(2) When the injury-causing aspect of the product was, at the time of manufacture, in compliance with a specific mandatory government contract specification relating to design or warnings, this compliance shall be an absolute defense. When the injury-causing aspect of the product was not, at the time of manufacture, in compliance with a specific mandatory government specification relating to design or warnings, the product shall be deemed not reasonably safe under Section 4(1) of this amendatory act."

On page 8, line 21, after "cause." strike the remainder of the section.

On page 9, line 4, after "liability" insert "or liability on a product liability claim"

On page 12, line 1, after "claims" strike "accruing" and insert "arising"

Signed by: Senators Talmadge, Chairman; Bottiger, Clarke, Hemstad, Hughes, Newhouse, Pullen, Shinpoch, Woody.

The bill was read the second time by sections.

On motion of Senator Newhouse, the committee amendments were considered and adopted separately with the exception of the amendments to page 7 which were considered and adopted together.

Senator Lysen moved adoption of the following amendment:

On page 8, line 10, strike all the language beginning on line 10 down to and including the period on line 14.

Renumber the subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Well, we are talking about the shifting of the burden of proof; I guess I would like to ask Senator Bottiger if he would yield to question?"

"Senator Bottiger, so that the twelve years really doesn't mean very much in the sense that the jury has to decide this anyway, whether or not the product can reasonably be expected to last more than twelve years.

"And what is required in terms of that shifting of the burden of proof? Under present statutes, the manufacturer or the retailer, or both, have to decide, have to prove, that it wasn't intended to last more than twelve years; and under this twelve-year provision in this new statute, that burden would now shift to the plaintiff, or the injured party. The burden of proof would be on them and their attorney—is that right?"

Senator Bottiger: "That is right, Senator Lysen, but the answer demands an explanation. And if I can use an example. Let's take an airplane, the Boeing 707 or a DC-10. It's more than twelve years old. It's easy to prove that 707s are used all over the world and they are thirty years old; that would be very easy and in that particular case it would be no difficulty at all.

"If you got down to a sewing machine, that might be a little bit more difficult and what the plaintiff would have to do is come in and show that these sewing machines, these commercial machines, are used substantially more than twelve years. You have then met your burden of proof.

"Under existing law you don't have to do anything; so we are changing the law to say that after that twelve-year period, you have to go to show that they have a customer-useful life of more than the twelve-year period."

Senator Lysen: "If I may continue one further question, possibly, Senator Bottiger.

"What about the fact that the, say, let's use an automobile. It's value, I have a Mustang, a '64 Mustang that's over twelve years old and it is obviously less reliable than it was when it was new, so the manufacturer, should something go wrong, the manufacturer's liability, every year that car gets older, would be declining; and wouldn't the jury bring that into concern under its deliberations? Wouldn't it consider that, that at a certain point the liability would be diminished substantially because even though I am still using that automobile which is sort of a classic in some ways, is not the intended use was probably not that long.

"So the manufacturer's liability is much less, if any, than say a Pinto that had the problem here in the last couple of years."

Senator Bottiger: "It would get harder, the older the car gets, but your Mustang and my daughter's Mustang are still very popular; you go down and get the list from the department of licensing; how many of them are there out there? Submit that to the jury as evidence that it has a useful life in excess of twelve years. Then it would be a jury question and they would decide."

Senator Lysen: "So in this particular example, what does the twelve-year cutoff really do? If it's in or if it's out, in the example of the automobile? . . . in terms of the burden of proof and how it affects the jury?"

Senator Bottiger: "I don't think an automobile is a good example, but you get into a piece of production equipment, a shear press, a sewing machine, something that is designed and admittedly lapped (sic) and people buy it, understanding that it has a useful life. Pretty common, a typewriter has a useful life commercially, of five years. Everybody understands that. When you get into some of your drill presses and your sewing machines and things like that, it gets a little bit more difficult.

"Now there is a concession here, there is no question from existing law, saying that the burden will shift to the point even he will have to prove it."

The motion by Senator Lysen failed and the amendment was not adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, an amendment was adopted on page 5, line 22, which reads 'After circumstances, insert "this duty is satisfied if the manufacturer exercises reasonable care to inform product users."' "

"I am minded of the cases we've had recently in Seattle, not related to product liability but related to ethics in the lawyers' profession where they were selling peoples' homes for \$150 and they posted a reasonable notice on the doors of the house.

"What I am wondering was, you modified that paragraph there to say 'exercise reasonable care to inform product users.' What would you assume would be 'reasonable care,' putting notice in the triple A, or, I am thinking of automobiles; or putting a notice in the Journal of Commerce or what would constitute 'reasonable notice?'"

Senator Newhouse: "Senator Rasmussen: To look up above where sub (c) starts, it develops where the manufacturer learns, or should have learned after a product was manufactured that there was a danger. And I think the type of warning that should be given in that case, when he could no longer be printing a sign 'beware' or 'danger' or something on that order on the product itself, while it was being manufactured, he would either have to arrange to put such a sign on the product or to send a letter addressed directly to the user or the purchaser that a danger has been discovered and that . . . specific warning to the individual who bought the product."

Senator Rasmussen: "That would be your interpretation of it?"

Senator Newhouse: "That would be right."

Senator Rasmussen: "Of course somebody else might say 'we just put a little notice in the magazine and that's enough.'"

Senator Newhouse: "I agree, and I am just one member of committee and not chairman of the committee that considered it; but I know that they did consider this matter very completely; the language is agreed to by all the several parties who participated in developing this bill."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Answering Senator Rasmussen's question, the question of what constitutes 'reasonable care,' Senator, would be up to the jury to determine, so as to whether there was reasonable care exercised to give that notice."

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 3158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, first question, do sections 4 and 5 provide the exclusive standards of liability for manufacturers and other product sellers with respect to product liability claims?"

Senator Bottiger: "I believe it does, yes."

Senator Newhouse: "Does this then mean that recovery for design defects or inadequate product warnings will no longer be possible under the theory of strict products liability but instead will be determined under the standards of negligence as provided in section 4(1)?"

Senator Bottiger: "Yes it does, and in the draft committee report and in the synopsis provided by the committee, this is explained in full. Copies of that report have been filed with the committee clerk and with the Secretary of the Senate."

Senator Newhouse: "Thank you. One more question. Is the statute of limitations provision in section 7(3) intended to overrule our Supreme Court's decision in *Ohler vs. Tacoma General Hospital*, in which it was held that the statute of limitations does not begin to run until the plaintiff has discovered each and every element of his or her cause of action?"

Senator Bottiger: "Yes, the discovery rule would apply only to the discovery of the harm and its cause. In this context, 'discovery of the cause' merely means the discovery that the product was casually connected with the harm. It does not mean the discovery of the nature of the defect of the product."

POINT OF INQUIRY

Senator Bottiger: "Senator Newhouse, one of the committee amendments deals with the subject of mandatory government contract specifications. Would you explain what exactly is meant by a mandatory government contract specification?"

Senator Newhouse: "A mandatory government contract specification is one which is developed by the government and imposed upon the contractor as part of a contract between the government and contractor for production of a product. It would not cover contract specifications developed following negotiations or discussions between the government and the contractor. These latter kinds may be mandatory in the sense that compliance is required under the contract but they are not mandatory as that term is used in this section."

Senator Bottiger: "Senator, would the defense provided in this section apply if the product produced for the government is at some point marketed commercially?"

Senator Newhouse: "No. The defense only covers product liability claims resulting from products produced under the terms of the contract."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, the last statement that you made has a good bit of bearing on one of the items I used the last time the bill was before the body. And that is a piece of machinery had a switch on it that was covered with a small hood. From the time the original purchaser of the piece of machinery bought it and then sold it, there were four owners. Somewhere in that line of transfer of the piece of machinery, the small hood was inadvertently knocked off and left off of the piece of machinery. Finally, some twelve years after the piece of machinery was put into service, an accident occurred because of an inadvertence of the mechanic using the machine, hit the starter switch.

"Now you say that the contribution will be shared. How could you share, how does the law allow that the responsibility for knocking that hood off is shared?"

Senator Bottiger: "Senator, I would have to research that question. I just don't know. We can look it up and be able to give you an opinion on it, but off the top of my head, I don't know."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3158, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Fleming, Lysen, McDermott, Rasmussen, Ridder, Williams—6.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3158, 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.

Following is the report as referred to by Senator Bottiger in replying to questions by Senator Newhouse on Engrossed Senate Bill No. 3158. This report was given to the Secretary of the Senate for inclusion in the Senate Journal.

SENATE SELECT COMMITTEE ON TORT AND PRODUCT LIABILITY REFORM

DRAFT

FINAL REPORT

Senator Phil Talmadge, Chairman

Senator Del Bausch

Senator Ted Bottiger

Senator George Clarke

Senator Jeannette Hayner

Senator John Jones

Senator Don Talley

December, 1980

FORMATION OF SELECT COMMITTEE

The Senate Select Committee on Tort and Product Liability Reform was formed on July 6, 1979, pursuant to the provisions of Senate Resolution 1979-140. The following members were appointed to serve on the Select Committee: Senator Phil Talmadge, Chairman, Senator Del Bausch, Senator Ted Bottiger, Senator George Clarke, Senator Jeannette Hayner, Senator John Jones and Senator Don Talley. The Select Committee was directed to report its findings and recommendations to the Senate prior to the commencement of the 1980 Regular Session of the Legislature which it did by preparation of an Interim Report dated January 18, 1980. The issuance of this Final Report is the culmination of the Select Committee's work over the past year and a half.

HISTORY OF LEGISLATIVE ACTION ON TORT AND PRODUCT LIABILITY REFORM IN WASHINGTON STATE

The issue of tort and product liability reform began gaining momentum at the state level in 1976. During that year, testimony on the issue was received by both House and Senate Committees, and in the fall the Insurance Commissioner-Elect formed a statewide product liability task force. Legislation drafted by the task force (HB 1162/SB 2744) was submitted to both houses of the 45th Legislature in February, 1977. Hearings were held on the legislation in both the House and the Senate, but it was not enacted into law.

Three other product liability related bills were introduced in 1977, all more limited in scope than HB 1162/SB 2744. The bills dealt with insurance reporting requirements, defining liability insurance, and revising liability rate setting laws. Also introduced in 1977 were two tort reform bills sponsored by the State Judicial Council dealing separately with the issues of contribution and comparative fault.

Subsequent to the 45th legislative session, in 1977, the House Judiciary Committee held interim hearings on the issue of product liability and tort reform. As a result of those hearings, several members of the Committee introduced HB 241 in 1979 during the 46th legislative session. This bill dealt with both product liability and general tort reform. The bill received a hearing in the House only. Other related legislation introduced in the House in 1979 included HB 403, dealing with insurance reporting requirements, and HB 843, another comprehensive product liability and tort reform measure.

Product liability legislation introduced in the Senate in 1979 included SB 3073, sponsored by Senator Phil Talmadge, which was modeled after a preliminary draft of the Model Uniform Product Liability Act proposed by the United States Department of Commerce. Also introduced in the Senate were SB 2677 and SB 2875 dealing with contribution and governmental affirmative defenses.

The primary focus of legislative activity during the 46th legislative session was SB 2333, which could also be characterized as a comprehensive product liability and tort reform measure. The bill received several hearings in both the House and the Senate and was amended substantially by each body. Different versions were approved by the House and Senate, but since the two houses were not able to reach an agreement on the exact language, the bill did not receive final approval.

As a response to the continuing product liability controversy, the Senate Select Committee on Tort and Product Liability was formed pursuant to Senate Resolution No. 140.

SELECT COMMITTEE OBJECTIVES

One of the first tasks facing the Committee was to develop its basic goals and objectives. The Committee, being aware of the controversy generated by the product liability and tort reform proposal considered in the 1979 session, decided that it was essential that it undertake a thorough and objective study of the issues raised by that bill. It felt that the debate concerning Senate Bill 2333 had been marred by a rash of charges and countercharges concerning the demonstrated need for, and the impact of, changes in the tort system proposed by the bill. Therefore, the Committee felt that one of its most important functions would be to serve as a forum for the full and open debate of product liability and tort reform issues.

An important consideration in developing goals and objectives was the fact that the scope of the Committee's inquiry included both product liability reform and tort reform. It would thus be important to distinguish between those issues which would only impact product liability law from those which would impact the entire tort system. This would become more important when the possible ramifications of various changes in the legal system were being considered.

Because of the magnitude of the study, the Committee indicated that it would resist any efforts to panic it into recommending unwise legislation. The Committee pointed out that it was primarily a study committee set up to examine the merits of

various product liability and tort reform proposals. In the end, it would only recommend legislation which had been demonstrated to be necessary or desirable.

In order to assist it in carrying out its responsibilities under the Senate Resolution, the Committee directed its staff to gather information about product liability and tort reform legislation in other states. Staff was specifically directed to examine the final report and findings of the Federal Interagency Task Force on Product Liability and the work of its successor group, the U.S. Department of Commerce Task Force on Product Liability and Accident Compensation.

The primary efforts of the Committee, however, were directed toward assessing the need for product liability and tort reform in the state of Washington. To that end, the Committee invited persons with expertise in the various areas that it was studying to give the Committee the benefit of their views. These persons included legal practitioners, business and insurance industry representatives, government regulators, court administrators, and academicians.

As a general approach, the Committee determined that the first phase of its activities would concentrate on the insurance aspects of the problem, specifically to determine the extent of the problem as to the availability and affordability of product liability insurance coverage. The Committee would then attempt to determine whether the problem in the insurance area was the result of underwriting practices in the industry or the result of the current state of the tort law. Its findings on these points would be important in determining the kinds of changes in the legal system that would be considered in the second phase of its study.

SUMMARY OF SELECT COMMITTEE ACTIVITIES

Prior to the commencement of public hearings in September, 1979, Senator Talmadge directed staff to survey larger insurance companies in this state to determine their product liability experience in an effort to discover if a crisis in product liability insurance exists at the present time.

During the time that this survey was being conducted, the Select Committee held its first public hearing on September 8 in Seattle. The purpose of the hearing was to receive background information on the history of product liability and on recent developments at the federal level. Professor Richard Settle from the University of Puget Sound Law School and Professor Victor E. Schwartz, Chairman of the United States Department of Commerce Task Force on Product Liability and Accident Compensation, were the featured speakers. Professor Settle gave an overview of the development of tort law in the area of product liability nationwide. Professor Schwartz's comments generally dealt with efforts at the federal level in dealing with product liability. Specifically, his testimony covered: 1) the conclusions drawn from the Department of Commerce's 18-month interagency study on product liability conducted in 1976-77; 2) proposed legislation at the federal level developed by the Commerce Department entitled "The Product Liability Risk Retention Act of 1979;" and 3) a summary of the preliminary draft of the Department of Commerce's Model Uniform Product Liability Act.

At this meeting, testimony was also received from Ron Bland, President of the Washington State Trial Lawyers' Association, Charles Kimbrough, President of the Washington Association of Defense Counsel, and Hugh McGough, also of the Washington Association of Defense Counsel. Their comments reflected the plaintiff's and defendant's perspective on the issue of product liability respectively.

The second public hearing of the Select Committee was held on October 5 in Olympia. The purpose of this hearing was to present the Select Committee with an overview of the complex process of insurance rate making procedures both generally and as they relate to product liability insurance. Mr. Ed Lazarek and Mr. Bernie Galiley from the Insurance Services Offices in San Francisco described the formulas, conditions, and data bases utilized by ISO in recommending rates in the property

casualty area. Also at this hearing, staff outlined briefly for the Select Committee the questionnaire that was sent to insurance companies to solicit their product liability experience and the number and quality of responses received to date. SAFECO, one of the companies which had provided a fairly complete response, was asked by the Select Committee to explain its response, its rate making procedures, and how it is improving those procedures.

The third public hearing of the Select Committee was held on October 20 in Seattle. The agenda for this hearing included a discussion by Bob Higley of the Insurance Commissioner's Office, on regulatory oversight of the rate making process, and staff presentations on: 1) industry responses to the Select Committee's product liability insurance survey; 2) product liability reporting statutes in effect in other states; and 3) pooling and risk retention groups, including a discussion of the proposed Product Liability Risk Retention Act of 1979.

The fourth public hearing, held on November 16 in Olympia, was a staff briefing of the Select Committee on tort aspects of the product liability issue which included the current status of the law in Washington State as well as other states, and a review of the Model Uniform Product Liability Act proposed by the United States Department of Commerce.

The fifth public hearing was held on December 7 in Olympia for the sole purpose of receiving public testimony on the work of the Select Committee thus far, and on product liability and tort reform in general. Representatives from the following groups presented testimony at this meeting: Seattle Consumer Action Network; Washington State Bar Association, Tort Reform Task Force; Washington State Trial Lawyers' Association; and Yarder Manufacturers Association.

Professor Schwartz returned to Washington State for a hearing on December 29 in order to answer questions which had arisen on the meaning of certain provisions in the Model Uniform Product Liability Act.

The seventh public hearing was held on June 27, 1980, after the close of the 1980 Regular Legislative Session. The purpose of the hearing was twofold. Cleary Cone, Chair of the Washington State Bar Association's Task Force on Product Liability, presented the Select Committee with a first draft of its proposed product liability act. Ron Bland from the Washington State Trial Lawyers' Association testified on the Trial Lawyers' reaction to the Bar's proposal. The hearing also dealt with the relationship between product liability and the workplace injury. Staff gave a briefing on third party actions under the Industrial Insurance Act and recent efforts to amend that law. Virginia Bins, Assistant Attorney General was present representing the Department of Labor and Industries.

At the July 25 hearing, the Select Committee's staff gave an overview of the draft product liability act. Interested parties were encouraged to review the draft and to testify at an upcoming hearing to be held in the fall. Preliminary comments on the draft were made at this hearing by Pat Long representing PACCAR, Cleary Cone representing the Washington State Bar Association's Product Liability Task Force, Jan Peterson representing the Washington State Trial Lawyers' Association, and Ed Dawson.

The purpose of the hearing held on October 10, 1980 was to solicit public comment on the Select Committee's draft product liability act. Prior to the commencement of testimony, staff explained several amendments of a clarifying nature that had been made to the draft. Testimony was received from the following interested groups: Seattle Consumer Action Network, Safeco Corporation, Association of Washington Business, Independent Business Association, PACCAR, American Insurance Association and Washington State Trial Lawyers' Association.

SELECT COMMITTEE RESOURCE MATERIAL

Interagency Task Force on Product Liability

The Select Committee has depended heavily on two national studies in its examination of the product liability issue. By far the most extensive and authoritative examination of the product liability issue was conducted over an 18-month period by the Federal Interagency Task Force on Product Liability. The final report of the Task Force was issued in 1977 and has provided a reliable source of data for the Committee as well as a firm foundation against which to compare the Committee's own findings.

The Task Force identified three principal causes of the product liability problem—product liability insurance rate making procedures, manufacturing practices, and the tort-litigation system. The Task Force concluded that "the product liability problem is based on a confluence of causes and that it will only be resolved if each cause is properly addressed" (Executive Summary for the Final Report of the Federal Interagency Task Force on Product Liability, page 6).

Model Product Liability Legislation

As a result of the work of the Federal Interagency Task Force, the Department of Commerce developed model legislation for adoption by the states. After extensive public comment on its initial draft, the Commerce Department's final version was issued on October 31, 1979. The Model Uniform Product Liability Act, which suggests a variety of changes to many traditional tort law concepts, has received considerable attention by the Committee. The Model Act will continue to be a primary focus of the Committee as it continues its study of the product liability issue in Washington.

ISO Closed Claims Survey

In response to the growing concern about rising product liability insurance costs during 1975-76, the Insurance Services Office, an independent insurance industry statistical and rate making organization, conducted a nationwide study of product liability claims closed between July 1, 1976 and March 15, 1977. Twenty-three insurers were asked to contribute information to the study.

While there are a number of concerns with the figures reported in the ISO survey (for example, claims closed without payment are not included and dollar figures were "trended" to allow for future projections), a number of significant facts regarding product liability claims emerge from the ISO's study.

Workplace injuries account for 11 percent of the number of individuals receiving bodily injury payments, but these claims represent 42 percent of the claims dollars paid. This reflects the severity of industrial accidents and suggests the importance of the relationship between a state workers' compensation system and product liability.

The problem of the "long tail" in product liability claims is often cited in support of a statute of repose on product liability claims. The ISO study indicates that injuries accounting for 81 percent of payments occur within three years of purchase of the product and over 90 percent within six years. This raises questions regarding the need and effectiveness of a statute of repose.

Transaction costs, including litigation expenses, add to the cost of product liability insurance according to ISO data. As reported by the twenty-three insurers, defense costs amount to 35 percent of bodily injury payments and 48 percent of property damage payments.

Activity in Other States

Washington, of course, is not alone in its concern regarding the product liability issue, and the Committee has attempted to determine the level and direction of product liability and tort reform activity in other states, most of which having occurred over the last three years. Seventeen states have enacted some type of reporting requirements of product liability insurance costs, often in a manner similar to that currently utilized for medical malpractice in Washington. These laws all into

four basic categories of reporting: 1) notice of cancellation, nonrenewal or change in coverage; 2) closed claims; 3) financial/statistical data; and 4) general information.

Recently, the National Association of Insurance Commissioners has adopted a supplementary form relating to product liability insurance to be used in conjunction with the annual statement submitted by all insurance companies to the State Insurance Commissioner. Representatives from Washington's Insurance Commissioner's Office have indicated that this new supplemental form will be required of insurance companies doing business in Washington beginning in 1980.

Representatives from ISO have testified that the statistical reporting procedures which ISO requires of its client companies are currently being refined to provide more refined classification details. These new procedures, which will reflect data on all types of product liability insurance ((manual), (a) rated and commercial multi-peril), should contribute to a more accurate picture of the data upon which premiums—and premium increases—are based. This, in turn, may result in a more complete picture of the history of the product liability crisis, as well as a firmer base upon which to recommend changes in industry and regulatory practices.

Nineteen states have adopted some measure of tort reform in response to the product liability issue. Activity has generally been concentrated in seven areas: 1) definition of a product liability action; 2) statutes of limitation/repose; 3) state of the art defense; 4) duty to warn; 5) governmental standards; 6) product modification and alteration; and 7) subsequent design changes.

MAJOR FINDINGS

From its inception, the Committee has recognized that the concerns generated during the discussions surrounding SB 2333 in the 1979 session involved issues which went beyond the narrow scope of product liability and included proposed reforms of the tort system in general. As such, the Committee has attempted to indicate clearly that the scope of its inquiry included both general tort reform and, in particular, product liability tort reform. In doing so it has considered the language of model proposals such as the Uniform Comparative Fault Act, the Uniform Contribution Among Joint Tortfeasors Act, as well as the Uniform Product Liability Act.

The Committee has solicited testimony from a broad range of groups and individuals interested in its study. Comments, suggestions, proposals and critiques have been received from consumers, manufacturers, retailers, insurers, and the plaintiff and defendant bars. Additionally, the Select Committee has attempted to compile independent data on product liability insurance practices, product liability related judgments, and activity and proposals for reform in other states.

As a result of this total investigation over the past eighteen months, the Committee offers the following findings.

Insurance Practices

As part of its initial inquiry into product liability insurance practices, the Committee developed a questionnaire which was sent to eighteen insurance companies offering product liability insurance in Washington State. Companies were asked to respond to questions in three broad areas: 1) volume of business, as reflected by the number of policies and premium dollar value of those policies; 2) profitability, as reflected by dollar profit and loss figures and loss/premium ratios; and 3) claims and litigation experience. Information was requested covering the years 1973-78.

Responses were received from fifteen companies. Many companies chose to respond on a model product liability questionnaire prepared by the National Association of Insurance Commissioners, and others who responded on the form submitted by the Committee did so only partially. Companies professed a great deal of difficulty in responding to the Committee's questionnaire. Especially troublesome,

according to many of the companies, was the request that information be reported for each of the different types of product liability insurance written—monoline, comprehensive general liability and commercial multi-peril. Companies also reported that retrieval of claims and litigation information was a difficult problem, and the Committee received very few responses on the questions covering those areas.

Data prior to 1977 was generally not reported, and the figures which were received for the 1973-76 period are difficult to interpret since the method of compiling information often was not consistent among the various companies responding. Because of the variability which permeated both the manner in which the companies responded and the extent and depth of their responses, it is difficult to draw meaningful conclusions from the Committee questionnaire. A few observations, however, can be made.

The interagency study and testimony received by the Committee from representatives of ISO, support statements made by manufacturers that premiums for product liability insurance skyrocketed between 1974 and 1976, thereby generating what came to be known as the "product liability crisis." The Committee study also supports this conclusion. Most of the companies responding to the questionnaire utilized ISO ratemaking, and in 1974-75 ISO submitted increase in excess of 75 percent in its rates for bodily injury and property damage. These increases are reflected in premium figures for the Washington companies. Of the ten companies responding to question No. 6 (dollar value of policies) eight companies showed dramatic premium increases between 1974 and 1976.

According to statements of industry representatives and information contained in the interagency study, product liability losses exceeded premiums generally for all companies during 1973-75. Responses to the Committee questionnaire also tend to indicate that the years prior to 1975 were typically unprofitable in the product lines for responding companies. However, as new rates began to be reflected after 1975, most companies' profitability figures improved greatly, and only two of the eight companies responding to question No. 7 (loss/premium ratios) showed a loss/premium ratio in excess of generally acceptable levels for the years 1977 and 1978.

Apparently, then, there does not appear to be a severe problem regarding the availability of product liability insurance in Washington. Rather, the problem continues to be one of affordability. Indicative of this, the MAP-WASH program has received very few requests from individuals unable to secure coverage and has successfully placed all those who sought its assistance.

Because very few companies supplied data for questions 11 and 12 (claims and litigation experience) it is difficult to make any statements as to these items. However, it would appear that by far the greatest number of product liability claims are closed for amounts under \$10,000. The ISO study supports this, having concluded that in Washington during the closed claims study period, the average bodily injury claim (untrended) amounted to \$4,329, not including loss adjustment expenses (\$8,458 if trended for severity).

Because of the way product liability insurance is marketed and the current method of maintaining policy information, it is very difficult to obtain accurate information on all product liability policies. There is evidence that steps are now being taken, however, by both state regulators and the insurance industry, to develop more complete and reliable data retrieval systems to allow greater accuracy in the rate making process. Beginning in 1980, the Insurance Commission requires that information regarding product liability losses be reported annually for any policy in which the premium for product liability is separately stated. Such a method of reporting will not, however, reflect much of the data for comprehensive or commercial multi-peril policies, since product liability premiums are not separately stated in

such policies. Because a substantial amount of product liability insurance is sold in this way, there may be a need for additional reporting in order to obtain a more complete picture of the product liability situation in the future. The Washington State Trial Lawyers' Association has stated that insurance reporting legislation should be enacted prior to the adoption of any tort reform. It is the position of the Committee, however, that at this time it is advisable to monitor the information generated through the Insurance Commissioner's Office before requiring additional reporting procedures.

Product Liability Reform

Sections 2 through 7 of the Act deal with that portion of tort law relating to harm resulting from defective products. As an outgrowth of the concerns with the rapid increase in product liability insurance premiums, a number of commentators have expressed the view that because of the national character of product manufacturing and marketing, the product liability system is particularly sensitive to the lack of uniformity among jurisdictions as to standards and procedures governing recovery.

This was a primary concern of The Legal Study of The Interagency Task Force on Product Liability and led to the development of a Model Uniform Product Liability Act by the U.S. Department of Commerce Task Force on Product Liability and Accident Compensation for consideration by the states.

The Committee has utilized the UPLA as a focal point for its consideration of product liability tort reform, and, to a great extent, the final proposal of the Committee closely adheres to its substance, if not its precise language, in four key areas.

(a) Single Cause of Action

Historically, one of the most confusing areas in product liability tort law involves the variety of causes of actions, including negligence, warranty and strict liability, available to the plaintiff seeking recovery for injuries allegedly resulting from a defective product. In order to ensure his greatest chance of recovery, plaintiff typically pleads all three causes, even though he may not offer proof on all three. Testimony before the Committee reflected general agreement that the creation of a single cause of action, termed a "product liability claim" in the UPLA, eliminates this confusion and should be adopted.

(b) Standards of Liability for Manufacturers

In the words of the official analysis of Section 104 of the UPLA, no single product liability issue has generated more controversy than the question of defining the basic standards of responsibility to which product manufacturers are to be held." With its adoption of Section 402A of the Restatement, the Washington court has purported to extend strict liability to manufacturers of defective products, regardless of the nature of the defect. *Seattle-First National Bank v. Tabert*, 86 Wn. 2d 145 (1975). The notion of strict liability, with its disregard of evidence of the manufacturer's exercise of care, has generated heated discussion among commentators and practitioners, and concern and confusion regarding the precise nature of the basic elements in the proof and defense of liability has been reflected in testimony before the Committee.

The extension of strict liability for defects in construction or for breach of warranty, by and large, has not been challenged, since, as the drafters of the UPLA concluded, "strict liability for defective construction can be absorbed within the existing liability insurance system . . . [and] the consumer has the right to expect that a product will live up to the manufacturer's representations."

The issue of strict liability for design and warning/instruction defects is more difficult. The Washington court, while terming the liability in such cases as one of strict liability, has articulated a test which upon closer analysis involves the balancing of factors more akin to negligence. *Seattle-First National Bank v. Tabert*, *supra*

; *Teagle v. Fisher & Porter Co.*, 89 Wn. 2d 149 (1977). It is arguable that what the court has done is to create a negligence standard for the determination of whether a design or warning/defect exists, which when proved results in imposition of strict liability. However, such a two-pronged analysis has not been clearly articulated and may, in fact, be nothing more than an exercise in semantics. The continued use of both strict liability and negligence terminology has resulted in what the drafters of UPLA refer to as "a foggy area that is neither true strict liability nor negligence. The result has been the creation of a wide variety of legal 'formulae,' unpredictability for consumers, and instability in the insurance market." The Washington State Trial Lawyers and representatives of some consumer groups have argued strenuously for the retention of strict liability in all product liability cases, and have asked for a legislative adoption of Section 402A. Their position is based upon the belief that as between the innocent, unknowing consumer and the manufacturer who is rewarded economically for placing the product into the stream of commerce, the law should protect the consumer from all defects which cause harm, regardless of their nature and over which he has no control. The defense bar, represented primarily by spokesmen from the Association of Washington Business, counters that basic fairness inherent in traditional tort concepts argues in favor of the consideration of traditional negligence concepts of duty, including the exercise of all due care, and breach of that duty before liability attaches.

The Committee believes that the current Washington test reflects essentially a negligence standard in design and warning/instruction cases, and agrees with the UPLA that the "application of uncertain strict liability principles in the areas of design and duty to warn places a whole product line at risk; therefore a firmer liability foundation is needed." Recognizing that there is not unanimity among those interested in this issue, the Select Committee nevertheless believes that the adoption of a negligence standard will help create this "firmer liability foundation."

(c) Standards of Liability for Non-Manufacturing Product Sellers

There has been general agreement before the Committee that the current liability exposure of the "passive" retailer under current rules of joint and several liability throughout the distribution chain is not justified, and the concept of the limited protection afforded to the non-manufacturing product seller in Section 105 of the UPLA has been adopted by the Committee.

Concern has been addressed regarding in what situations the normal rules of joint and several should be applied to non-manufacturing product sellers. The Association of Washington Business has argued for limited exposure, while the Washington State Trial Lawyers has asked for language which assures recovery in the greatest number of situations where a manufacturer may be "unreachable." The Select Committee has determined that the greatest possibility of leaving a plaintiff without a means of recovery occurs when a potentially liable manufacturer is insolvent, judgment-proof, or not subject to service of process. Further, the Select Committee believes that in those instances in which a non-manufacturing product seller is so intertwined with the manufacturer process or adopts the product as its own, the non-manufacturing product seller has, in a sense, waived his right to immunity and should be subject to a manufacturer's liability. Thus, the Committee has chosen to adopt the concept formulated in the UPLA and agrees with the language used in the product liability proposal of the Washington Bar Association's Task Force on Product Liability.

(d) Statutes of Repose/Limitation

Of greatest concern to product insurers is the length of time a product seller is subject to liability for harm resulting from a product defect, and they contend that the potential "long tail" of exposure is the primary factor influencing rate-setting. As a result, insurers have argued for certainty in the length of time of exposure, professing less concern regarding the actual time period selected. The closed claim

survey conducted by the Insurance Services Office during 1975-76 determined that 83.5 percent of injuries from defective products occur within ten years of manufacture, raising questions about the validity of insurers' fears of *actual* losses. However, an insurer's *perception* of potential claims, whether substantiated or not, very likely is reflected in rates.

In order to bring some certainty to the issue of exposure but at the same time reflecting its concern in preserving those claims based upon product use which is reasonable in light of its unique characteristics, the Select Committee has determined that a complete bar after an arbitrary time period is not justified, and has instead adopted the approach taken in the UPLA.

By the adoption of a "useful safe life" concept, Washington joins a growing number of states which have chosen to place some limitation upon the ability to bring a product liability action on older products. The Committee approves of the creation of the rebuttable presumption utilized in the UPLA, which may prevent a claim more than twelve years from the date of delivery. Because the Committee believes that the claimant should be given a reasonable opportunity to overcome the presumption, it has chosen to adopt a "preponderance of the evidence" standard, rather than the more difficult "clear and convincing" approach used in the UPLA. In adopting the twelve-year presumption, the Committee recognizes that any period of time it selects will be perceived by some as purely arbitrary, and the Washington State Trial Lawyers Association, on some occasions, has argued against any presumption, believing that the concept of the "useful safe life" provides adequate guidance for the trier of fact. It is the Committee's belief that the adoption of the lesser standard to overcome the presumption mitigates any harshness the twelve-year presumption may impose upon the claimant.

The Committee has carefully selected language relating to the statute of limitation in order to modify the discovery rule announced in *Ohler v. Tacoma General Hospital*, 92 Wn. 2d 507 (1979). Because the discovery of all the essential elements of the cause of action is, practically speaking, beyond the understanding of the average layperson until he chooses to seek legal counsel, the *Ohler* rule unjustifiably extends the period during which an action may be brought. In utilizing the language "time of discovery of the harm and its cause," the Committee intends to create a more reasonable and meaningful statute of limitations as to product liability claims.

Comparative Fault

The issue before the Committee here was whether the comparative principles embodied in our Comparative Negligence Act, RCW 4.22, should be applied in all tort actions regardless of the degree of fault involved. The 1973 Comparative Negligence Act was by its terms limited to negligence actions in which contributory negligence on the part of the plaintiff was involved. The primary purpose of the Act was to eliminate the total bar to recovery which plaintiff's contributory negligence had in the past presented. Instead of completely barring any recovery the Act provided the plaintiff's recovery would be reduced in proportion to the percentage of negligence attributable to the plaintiff.

The 1973 Act, however, did not address those situations in which a degree of fault higher than simple negligence was involved on either side. For example, what would be the result if either the plaintiff or defendant, or both, were guilty of gross negligence, recklessness, or willful and wanton misconduct or the defendant strictly liable in tort? A literal reading of the statute would seem to limit its application to cases in which the only fault involved was simple negligence (or possibly gross negligence).

Under the case law at the time of the adoption of the 1973 Act, plaintiff's contributory negligence would not bar or diminish recovery where the defendant was guilty of willful and wanton misconduct. *Adkisson v. Seattle*, 42 Wn. 2d 676 (1953). However, plaintiff's contributory willful and wanton conduct would bar

recovery even if the defendant was guilty of the same type of conduct. *Sorensen v. Estate of McDonald*, 78 Wn. 2d 103 (1970).

The effect of adoption of the 1973 Act on most of these situations has not yet been litigated. In the one situation that has, the State Supreme Court has held that a plaintiff's contributory negligence is not a bar or damaging reducing factor in a strict liability lawsuit. *Seay v. Chrysler Corp.*, 93 Wn. 2d 319 (1980).

A major goal of this tort reform movement has been to arrive at a fairer apportionment of fault in tort actions. There has been growing dissatisfaction with the all-or-nothing recovery rules under the prior law. In view of this, there is considerable support for the position that comparative principles should be applied regardless of the degree of fault involved on either side. This is the position taken in the 1977 Uniform Comparative Fault Act (UCFA) and the Uniform Product Liability Act (UPLA).

The Committee has determined that in order to accomplish a fairer apportionment of fault in tort actions the relative fault of all parties to the action should be compared and the plaintiff's recovery reduced by his or her percentage of fault. While it concedes that there may be some conceptual or theoretical difficulties in comparing differing degrees of fault (e.g., comparing the "apples" of contributory negligence with the "oranges" of strict liability, as the argument has often been presented), the Committee does not feel juries will have any practical problem in making such a comparison and that the principle of fairness to all the parties requires that such a comparison be made.

The Committee's position on this issue has been supported by virtually all of the groups participating in the process. It is consistent with the position of the State Bar Association Task Force on Product Liability and Tort Reform as reflected in their draft bill. The only qualified opposition come from the Washington State Trial Lawyers Association who felt that it should be limited to product liability actions and not applied to all tort actions.

Joint and Several Liability

One of the most, if not the most, controversial issue that has been involved in the legislative consideration of product liability proposals in the past three years has been whether the rule on joint and several liability should be completely or partially abrogated. In this state, joint and several liability attaches where two or more tortfeasors have jointly or concurrently committed acts of negligence resulting in a single, indivisible harm to the injured party. The effect of the imposition of joint and several liability is that each tortfeasor is liable for the entire harm caused and the injured may sue one or all to obtain full recovery. This rule was unaffected by the enactment of the Comparative Negligence Act. *Seattle-First National Bank v. Shoreline Concrete Co.*, 91 Wn. 2d 230 (1978).

The product liability bill considered in the 1979 session would have retained joint and several liability only where parties were acting in concert or in a relationship justifying imposition of vicarious liability or where provided by statute or where plaintiff was free of any contributory fault (ESB 2333 Sec. 2). This provision, and the bill as a whole, was supported by the Association of Washington Business and various representatives of the insurance industry.

Any attempt to even partially abrogate the rule of joint and several liability has been strongly opposed by the State Bar Association Task Force, the Washington State Trial Lawyers, and the Seattle Consumer Action Network. The rule which is clearly designed to facilitate full recovery by the plaintiff for his or her damages is grounded both in practical and policy considerations. See, *Seattle-First National Bank v. Shoreline Concrete*, *supra*, at 234-239.

Retention of joint and several liability has been recommended by the drafters of both the Uniform Comparative Fault Act and the Uniform Product Liability Act. Four states have abrogated the rule as part of their comparative negligence act

(Vermont, New Hampshire, Nevada and Kansas) and two others will not apply it as to defendants whose percentage of fault is less than the plaintiff's contributory fault (Texas and Oregon). The rule, however, continues to be applied in an overwhelming majority of states.

The Committee believes that the rule on joint and several liability should continue to be recognized in this state. It concedes that the effect of this rule may be to require a partially at fault defendant to pay more than his or her share of the joint defendants' liability in certain cases. This unfairness should be ameliorated in most cases by the creation of a right of contribution among tortfeasors. In those cases where it is not, the Committee feels that a defendant rather than the plaintiff should bear the burden of that unfairness.

Contribution Among Joint Tortfeasors

Under current Washington law a jointly and severally liable wrongdoer who pays more than his or her proportionate share of the joint liability may not seek contribution from another jointly and severally liable wrongdoer. *Wenatchee Wenoka Growers Assn. v. Krack Corp.*, 89 Wn. 2d 847 (1978). Washington, in other words, is one of the minority of jurisdictions in this country which still does not recognize a right of contribution among joint tortfeasors.

The rule denying a right of contribution among joint tortfeasors which was derived from an 18th century English case, was once almost universally followed in this country. The principal policy argument behind this rule is that the judicial system should not be used by a wrongdoer to seek relief from his or her own wrongdoing. There has been, quite understandably, growing dissatisfaction with the harshness of the rule. It does not seem fair to force one wrongdoer to shoulder the entire liability when another wrongdoer is capable of contributing.

A majority of states have now recognized a right of contribution among tortfeasors. Thirty-four have done so through legislation and four by judicial decision. A majority of those enacting legislation has enacted either the 1939 or 1955 version of the Uniform Contribution Among Tortfeasors Act. These uniform acts have been superseded by the 1977 Uniform Comparative Fault Act. The contribution aspects of that act also served as the basis for the contribution provisions of the Uniform Product Liability Act. The UCFA and UPLA provide for contribution among joint tortfeasors based upon the comparative fault of the tortfeasors. This right may be entered in the original action or a separate action.

The Committee has determined that there should be a right of contribution among joint tortfeasors. There appear to be no persuasive reasons for refusing to recognize such a right. This position has been supported by all of the interest groups throughout the hearing process.

Worker Compensation

The Select Committee considered extensively the relationship between product liability and third party actions under the present worker compensation system during its discussions of the Model Uniform Product Liability Act and during its hearing on June 27, 1980.

The worker compensation system has been described as a compromise between the rights of the employer and the rights of the employee. Employee recovery under the system represents the extent of the employer's liability. The employee, in exchange for relinquishing his common law right to sue his employer, receives a guaranteed sum certain without the expense or delay usually associated with personal injury actions. The employee's recovery from worker compensation is, however, generally less than what a jury or court would find the value to be. The employee, however, is compensated whether or not there is employer fault.

Many workplace injuries involve a product manufactured by a third party and while an employee may not bring an action against his employer, he may seek recovery in addition to that provided by the worker compensation system against the

third party that manufactured or sold the piece of equipment on which he was injured. It is this interface between worker compensation and product liability that the Committee examined.

In Washington, the interaction of product liability and worker compensation results in an at-fault manufacturer of a workplace product being held jointly and severally liable for the entire amount of the employee's injury. The manufacturer has no right to seek contribution or indemnity from the employer as the employer is protected from third party suits by the worker compensation statute. Employee fault is also not a damage reducing factor in Washington in those third party cases based on strict liability. The Department of Labor and Industries and self-insured employers are entitled to recover all or a portion of their lien benefits paid to date from the third party judgment. In the usual case, where the third party action is brought by the worker, the Department may recover its lien after payment of the employee's attorney's fees and costs and then 25 percent of the remaining balance is paid to the employee. If there are sufficient funds remaining, the Department may recover its lien. The worker, after the Department has paid its lien, is then entitled to whatever balance remains. The Department is not obligated to pay future benefits until the accrued amount of such benefits equals the remaining balance. Note that under current law, no determination of employee or employer fault is made.

The Select Committee discussed previous efforts made to amend the third party action statute as well as other states' approaches to dealing with the relationship between product liability and worker compensation. The Select Committee concluded that changes to the worker compensation third party action statute should only be made after a careful analysis of the impact of such changes on the entire worker compensation system. It felt that this analysis could better be performed by the Joint Committee on Workers' Compensation, and the Select Committee recommends that the Joint Committee make such an analysis. The Select Committee will be forwarding a copy of this final report to the Joint Committee and will be available to provide any needed assistance.

SECTION-BY-SECTION ANALYSIS OF DRAFT BILL

Section 1. Preamble

The preamble establishes that this legislation should be viewed as a continuation of the Legislature's attempts "to bring about needed reforms" in the tort law, and specifically "to create a fairer and more equitable distribution of liability among parties at fault."

The bill's reforms touch many aspects of tort law, but, in particular, sections 2 through 7 relate specifically to the product liability tort law issues. Throughout the Select Committee's hearings, spokesmen for product sellers and product liability insurers maintained that the current judicially-created tort system fails to allocate responsibility among those responsible for harm with resulting detrimental costs to consumers particularly and to society generally. While evidence does not support all these concerns, the Select Committee has determined that adjustments are needed within the tort system in particular areas in order "to treat the consuming public, the product seller, the product manufacturer, and the product insurer in a balanced fashion in order to deal with these problems."

Section 2. Definitions

The definitions contained in this section relate to the product liability aspects of the bill and are taken substantially from the Uniform Product Liability Act (UPLA) as proposed by the Task Force on Product Liability and Accident Compensation of the U.S. Department of Commerce.

(1) **Product Seller.** Anyone in the regular chain of commercial distribution, other than the occasional seller, is included within the definition of "product seller." The bill, however, establishes a number of exceptions.

The seller of real property is not included in the definition of "product seller" unless the seller is involved in the mass production and sale of standardized dwellings. Recovery may be had, of course, under applicable real estate law and, for example, nothing in this act affects the potential liability of a seller of real estate under any implied warranty of habitability recognized by Washington courts. Sellers of improvements upon real property are included and, for example, the manufacturer of a defective sliding glass door may be liable under this act for harm proximately resulting from it.

A provider of professional services is not included, but recovery could be sought under traditional malpractice or other legal theory.

Those who commercially sell used products are not included unless the product is not "in essentially the same condition as when it was acquired for resale." Whether a product is "in essentially the same condition as when it was acquired for resale" is necessarily a factual determination which must be made on a case-by-case basis. If it is determined that the seller of the used product is essentially a "remanufacturer," the seller will be subject to liability under Section 4 of the act.

(2) **Manufacturer.** The definition of a manufacturer is a broad one and is intended to include all those who initiate and carry out the process of production. Of significance are one who remanufactures and one who holds himself out as a manufacturer. Consistent with the policy underlying Section 5 of the act, a product seller who performs minor assembly in accordance with the instructions of a manufacturer is not included in the definition as a result of such assembly, and liability may only attach under the provisions of Section 5.

(3) **Product.** The definition of "product" is intended to be all-inclusive and covers all goods, wares, merchandise, or commodities, and their component parts, capable of delivery for introduction into trade or commerce. A specific exemption is provided for human tissue and organs, including blood, and recovery from harm resulting from their use will be governed by other applicable law.

(4) **Product liability claim.** An essential element in this act is the consolidation of the various theories under which actions for product liability are brought. The act creates a single cause of action, termed a "product liability claim," and for purposes of pleading, individual theories of liability need not be pleaded separately. Because actions based upon fraud, intentional harm, or a violation of the Consumer Protection Act are not included within the definition of a product liability claim, recovery under those theories will continue to be governed under other applicable law.

(5) **Claimant.** Recovery may be had under this act by any person or entity which suffers harm, including those not in privity with the product seller, bystanders as well as product users.

(6) **Harm.** The Select Committee has chosen not to utilize the definition of "harm" contained in the UPLA, and instead has adopted a broad definition allowing for the continued development of the concept through case law. The term does not include direct or consequential economic loss under the Uniform Commercial Code, and recovery for such loss will continue to be governed by the provisions of Chapter 62A RCW. Other types of economic loss, such as wage loss, are included in the term "harm" for purposes of this act.

Section 3. Scope

Existing law is modified only to the extent that it conflicts with the provisions of this act. In light of this, the provisions of the act provide the exclusive remedy for harm resulting from defective products which fall within its scope. For example, recovery for failure to provide adequate warnings or instructions under a theory of strict product liability will no longer be possible since Section 4 (1) provides that

liability in such a case shall be determined under standards of negligence. By the same token, because direct or consequential economic loss traditionally covered by the provisions of the Uniform Commercial Code is specifically excluded from the definition of "harm," the legal standards governing liability for such loss remain unaffected by this act.

Section 4. Liability of Manufacturers

This section establishes the standards of liabilities for manufacturers of defective products. The Select Committee has determined that a distinction should be made between defects resulting from construction and because a product did not conform to the manufacturer's express or implied warranties and those resulting from design or inadequate warnings or instructions.

Subsection (1) of this section establishes a negligence standard where the harm results from defective design or inadequate warnings or instructions. Subparagraphs (a) and (b) and subsection (3) set out those factors which the trier of fact shall consider in determining if liability has been established. The "consumer expectation" test, enunciated in subsection (3) and currently utilized by the Washington court, was criticized in the comments to Section 104 of the UPLA as taking "subjectivity to its most extreme end." Instead, in design cases, the UPLA adopts a test which balances the likelihood and seriousness of the harm against the burden to produce a safer product and the effect of such a design on the usefulness of the product. Factors examined under such a balancing test are similar to those suggested by the Washington court in analyzing the consumer expectation test, *Seattle-First National Bank v. Tabert*, 86 Wn. 2d 145 (1975), and therefore can be harmonized with the consumer expectation test. Thus, both tests are adopted here as relevant considerations which the trier of fact should consider.

Similarly, in cases involving warnings or instructions, the trier of fact is directed to engage in a comparison between the likelihood and seriousness of harm and whether or not adequate warnings or instructions could have been provided. This determination should be made in conjunction with an analysis of the expectations of the ordinary consumer.

A separate paragraph is devoted to the unique situation where a claimant alleges that harm resulted from the manufacturer's failure to provide adequate warnings or instructions after the product was manufactured. In order to demonstrate that the manufacturer was negligent, a claimant is required to show that the manufacturer learned or should have learned about a product's dangerous condition after it was manufactured and that the manufacturer failed to act in a manner which a reasonably prudent manufacturer would have acted. The reasonable expectations of the ordinary consumer should also be considered by the trier of fact in this situation.

A manufacturer will be held strictly liable where a claimant establishes that the harm proximately resulted from a construction or warranty defect. Again, the act sets out factors which the trier of fact must consider in making such a determination. If the factual requirements contained in subparagraphs (a), (b) or (c) are met, when examined in light of subsection (3), liability attaches, regardless of the care exercised by the manufacturer.

An argument may be made that in a particular factual setting an allegation of a design defect is essentially the same as a breach of implied warranty of merchantability under RCW 62A.2-314, and therefore should be evaluated under a strict liability standard. It is the intent of the Select Committee, however, that while the elements of merchantability may be part of a prima facie showing that a design defect exists, liability for harm resulting from such a defect should be controlled by the negligence standards of subsection (1) of this section.

Section 5. Liability of Product Sellers Other Than Manufacturers

One of the complaints most frequently expressed before the Legislature during the whole course of the product liability discussion over the past few years has been the alleged inequity of holding the non-manufacturing product seller liable for product defects over which it had no control by application of the concept of joint and several liability throughout the chain of distribution. This section addresses that concern and relieves a non-manufacturing product seller of such liability except in certain limited situations.

If the non-manufacturing product seller was negligent, it will bear the burden of liability under the standards governing negligence. Further, if such a product seller expressly warranted that a product is safe, it will be subject to liability under Section 4 (2) of the act; however, no independent liability arises for a breach of an implied warranty, which is more appropriately reserved for the manufacturer.

The traditional rules of joint and several liability will be applied, however, in certain situations outlined in subsection (2). As to subparagraphs (a) and (b), it is the intent of the Select Committee that liability will be imputed to the non-manufacturing product seller only if the claimant is unable to reach each manufacturer which otherwise might be liable in the particular circumstances addressed in the relevant subparagraph.

Section 6. Evidentiary Rules

A particularly confusing and unsettled area of the law in Washington and other jurisdictions is the admissibility of certain types of evidence by plaintiff and defendant in meeting their respective burdens of proof. The drafters of the UPLA attempted to resolve this problem through the creation of a set of complex factual determinations and presumptions. The Select Committee has determined, instead, to rely upon the inherent ability of the trier of fact to reach a just decision based upon the greatest amount of evidence available. Therefore, a simple rule is established in this section that the trier of fact may consider evidence of industry custom, technological feasibility, and nongovernmental, legislative or administrative standards.

Section 7. Length of Time Product Sellers are Subject to Liability

This section places limitations on the right to bring a product liability action tied both to the length or time between the date of delivery to the first consumer and the date of injury (statute of repose) and the length of time between the date of injury and the commencement of the action (statute of limitations). It is patterned closely after Section 110 of the Uniform Product Liability Act.

Statutes of limitation are familiar features of our legal system. Statutes of repose, on the other hand, are new concepts developed specifically to deal with problems felt to be peculiar to the product liability area.

Statute of Repose

Product sellers have often expressed concern over the possibility of the imposition of liability based upon an injury caused by an old product. They feel it is difficult to establish the nonexistence of a construction or design defect in a product which may have been manufactured some time in the past. This open-ended situation also affects insurance rates since most product liability insurance is written on a claims-made basis which means that the liability insurer at the time a claim is made is liable regardless of the date of manufacture of the product. Product liability premiums, therefore, must take into account the possibility of claims on products manufactured many years ago.

The limited data available shows that the concern about older products may be exaggerated. The ISO Closed Claim Survey found that over 97 percent of product-related incidents occurred within six years of the time the product was purchased. In the capital goods area, 83.5 percent of all bodily accidents occurred within ten years of the date of manufacture. Nevertheless, there has been considerable interest in placing limitations on the liability of product sellers as to older products.

Of the twenty-six states which have enacted product liability legislation, eighteen have included a statute of repose to limit a claimant's ability to bring an action on older products. The length of time of the statute of repose varies from five to ten years. In some cases, the running of the period is a complete bar to any action while in others it is a rebuttable presumption of nondefectiveness.

The advantage of the statute which sets an absolute cutoff date is fairly obvious. It establishes a date certain after which a claim on a product may not be brought. The problem is that the length of the statute of repose may not bear any relation to the useful life of the product. The reasonable expected life of the product will necessarily vary considerably.

To accommodate this variety of useful expected life, the Committee's statute of repose is tied to a useful safe life concept. The useful safe life begins at the time of delivery of the product and extends for the time during which the product would normally be likely to perform or be stored in a safe manner. The act does contain a twelve-year presumption on useful safe life. This means that the product is presumed to be beyond its useful safe life twelve years from the date of delivery. That presumption, however, may be rebutted by the claimant with the burden of proof being a preponderance of the evidence.

The Committee selected a burden of proof to a preponderance of the evidence rather than the UPLA's higher clear, cogent and convincing evidence to equalize the burden as to product sellers and claimants in this section. It will be noted that the burden of proof on a product seller to prove a useful safe life of twelve years or less is also a preponderance of the evidence. Had the UPLA's approach been followed they would have been unequal. The use of a rebuttable twelve-year presumption of usefulness should create a degree of certainty in the law without depriving the claimant of the ability to demonstrate that, in fact, the product was still in a useful condition at the time of the injury.

A significant concept in the useful safe life area is the term "time of delivery." As to new products, it refers to the time of delivery of a product to its first purchaser or lessee who is not engaged in the business of either selling such products or using them as component parts of another product to be sold—in other words, to the first consumer. The act also addresses the remanufactured product. In those cases where a manufacturer will modify or update a product to such an extent that it can be considered a remanufactured product, the time of delivery runs from the delivery of that remanufactured product to the first consumer.

The draft act provides for situations where a product seller may be liable for harm caused beyond a product's useful safe life. The first is if the product seller warranted that the product could be used safely for a longer period of time, in which case the warranted period would establish the statute of repose time period. The second situation is if the seller intentionally misrepresented facts about the product or concealed information and that conduct was a proximate cause of the claimant's harm. There is no good reason to protect a product seller in this situation since his actions have denied the consumer important information which may put him on guard against potential problems presented by older products. The third situation is where the harm was caused by prolonged exposure to defective products. The clearest case covered by this exception would be harms caused by prolonged exposure to radiation, chemicals or drugs. This exception is, however, broad enough to cover other situations where harm is caused by prolonged exposure to products with hidden defects.

Statute of Limitation

Product liability actions must be brought within three years of the date of discovery of the harm and its cause. This discovery rule is intended to modify the discovery rule pronounced in *Ohler v. Tacoma General Hospital*, 92 Wn. 2d 507 (1979), which stated that the date of discovery meant the discovery of all of the

essential elements of the cause of action, including duty, breach, causation, and damages. The concern about the *Ohler* formulation is that in practical terms it could mean that the statute of limitations would not begin running until the claimant consulted with an attorney since concepts of duty, breach and causation are uniquely legal concepts which a layperson would not ordinarily be expected to appreciate.

A special provision is made so that the time periods of the section do not include the period under which a claimant is under a legal disability as defined by RCW 4.16.190. This would protect minors during the period of minority and persons under a guardianship, as well as others covered by that statute.

Section 8. Effective Contributory Fault

This is the first of several sections dealing with tort law in general. The mandate of the Committee as set out in the study resolutions in 1979 and 1980 clearly directed the Committee to consider the need for changes in tort law in general and changes in product liability law, which is a subdivision of tort law. While the impetus for the formation of the Committee in 1979 was the controversy over the product liability bill considered that session, it is often forgotten that that bill was not limited to product liability law and, in fact, proposed rather substantial changes in tort law in general. This is not to say that the connection between the two subjects is altogether arbitrary. The remaining sections of this bill deal with the subject of comparative fault and contribution among tortfeasors, subjects which are frequently involved in product liability actions.

This section would replace the current comparative negligence statute, RCW 4.22.010, which was enacted in 1973. Prior to the 1973 act, a plaintiff whose own negligence contributed to the injury was completely barred from recovering any damages against a negligent defendant. In other words a plaintiff who was not at fault could recover all his damages while a plaintiff who was, for example 10 percent at fault could recover nothing. That act was intended to correct this all-or-nothing feature of the law.

The 1973 act, however, did not address those situations where degrees of fault other than negligence were involved, degrees of fault such as gross negligence, recklessness, willful and wanton misconduct and strict liability. For example, would the comparative principles be applied if the plaintiff was contributorily negligent but the defendant was reckless?

The courts have answered only a few of these questions. Under two pre-1973 act cases, which may still be good law, plaintiff's contributory negligence would not bar or diminish recovery where defendant was guilty of willful and wanton misconduct, *Adkisson v. Seattle*, 42 Wn. 2d 676 (1953), but plaintiff's contributory willful and wanton misconduct could bar recovery even if the defendant was guilty of the same type of misconduct. *Sorensen v. Estate of McDonald*, 78 Wn. 2d 103 (1970). More recently in *Seay v. Chrysler Corp.*, 93 Wn. 2d 319 (1980), the court held that the plaintiff's contributory negligence is not a damage reducing factor in a strict liability lawsuit.

This bill essentially extends the comparative principles of the current comparative negligence statute to all tort actions involving contributory fault. The comparative principles will be applied whether or not the contributory fault was a bar or damage reducing factor under the prior law.

Doctrines such as the last clear chance doctrines which were sometimes used to overcome the complete bar of contributory fault are eliminated since contributory fault is no longer a bar. In these cases, the comparative principles would be applied regardless of who might have had to absorb all of the loss under prior law.

Section 9. Definition of Fault

This section defines the key term "fault" which is used in the preceding section on contributory fault, the contribution sections and elsewhere in the act. It is based upon the Uniform Comparative Fault Act definition with some modifications.

The definition is intended to encompass all degrees of fault in tort actions short of intentionally caused harm. This would include negligence, gross negligence, recklessness, willful and wanton misconduct and strict liability. Additionally it includes misuse of a product, breach of warranty, unreasonable assumption of risk and unreasonable failure to avoid an injury or to mitigate damages. The idea is to permit the trier of fact to consider all the conduct short of what would be considered an intentional tort and make a reduction of the plaintiff's recovery for his or her share. In making its determination the trier of fact may take into consideration both the nature of conduct and the causal relationship between that conduct and the harm. This will mean, for example, that plaintiff's contributory negligence may not reduce recovery as much in a strict liability action as it would in a negligence action.

Section 10. Nonimputation of Fault Between Spouses

This section of the draft act amends the second section of the 1973 Comparative Negligence Act which was designed to abrogate the common law rule imputing the negligence of one spouse to the other so as to bar the latter's action for damages against a third party. The purpose of this amendment is to conform this section to the expansion of the comparative negligence law to cover comparative fault situations.

The amendment also clears up an ambiguity in the original act as to whether the negligence could not be imputed to "bar" or "diminish" a recovery in an action by the other spouse. The original act read that negligence could not be imputed to bar recovery which would seem to be a superfluous provision since contributory negligence would no longer be a bar to recovery under the preceding section. The presumed intent of this provision, then, was that negligence could not be imputed to diminish recovery and this amendment so provides.

The amendment also makes the section apply to actions for damages to property.

Finally, the amendment does permit imputation of fault in a wrongful death action. This is appropriate since wrongful death actions are in a sense derivative actions and the contributory fault of the decedent spouse should be taken into account in determining the amount of the surviving spouse's recovery.

Section 11. Nature of Liability

This section codifies the current rule on joint and several liability. The rule on joint and several liability has long been recognized and followed in this state. *Seattle-First National Bank v. Shoreline Concrete*, 91 Wn. 2d 230 (1978). A primary purpose of the tort law is to ensure full recovery for an injured party from parties at fault. The rule of joint and several liability is a key provision in protecting that purpose. The claimant's own fault will affect the total recovery by the operation of the contributory fault reduction principle in Section 8. The claimant's right to recover from any of the jointly and severally liable defendants, however, should be facilitated. Apportionment of liability among defendants will be accomplished through the contribution sections which follow.

Section 12. Right of Contribution

This section creates a right of contribution between or among two or more persons who are jointly and severally liable to a claimant. Washington is one of the minority of states which has not abrogated the common law rule denying a right of contribution among multiple tortfeasors. The State Supreme Court has refused to abandon the rule against contribution on the grounds that the recent cases in which the alternative was presented to the court did not comprehensively address all of the various issues that need to be addressed in establishing a right of contribution. *Wenatchee Wenoka Growers Assn. v. Krack*, 89 Wn. 2d 847 (1978). This section and the following section provide the rules necessary to guide the court in setting up a procedure.

The Committee believes that with the creation of the right to contribution a party defendant will be able to join another party who may be liable for contribution in the original action under current Civil Rule 14, relating to third party practice. This means that a defendant will not be bound by the plaintiff's choice of defendants. It is in the interests of judicial economy to have all of the liability issues determined in one action. The judge will naturally continue to have authority to require separate trials as to issues or parties where justice requires.

This section also essentially eliminates the doctrine of implied indemnity between active and passive tortfeasors. Under current law where the active/ passive analysis can be applied, the entire liability can be shifted from the passive tortfeasor to the active tortfeasor. *Rufener v. Scott*, 46 Wn. 2d 240 (1955); *Nelson v. Sponberg*, 51 Wn. 2d 37 (1957). The implied indemnity doctrine thus is another form of the "all-or-nothing" rule which is being departed from in this bill which favors comparative fault principles.

A party who settles with the claimant is entitled to seek contribution from other liable parties if in settling with the claimant the liability of party against whom contribution is sought has been extinguished and to the extent that the amount paid in settlement was reasonable at the time of settlement.

Section 13. Enforcement of Contribution

This section sets out the procedure for enforcing the right of contribution against another liable party. It addresses both the situation where the comparative fault of the two parties involved has previously been established by the court and where the comparative fault of the two parties has not been previously established. In those cases where it has been established, the parties seeking contribution must commence the contribution action within one year after the judgment which established the comparative fault has been rendered. In those cases where the comparative fault has not already been established, the party may enforce the right of contribution whether or not a judgment has been rendered against the parties seeking contribution or the party against whom contribution is sought. This means that neither party need have a defendant in the lawsuit brought by the claimant. All that is required to start an action for contribution is that the party must allege that he has paid more than his proportionate share of the fault. The party seeking contribution must have either discharged the common liability within the statute of limitations and commenced an action for contribution within one year of that payment, or have agreed while the action was pending to discharge that liability and within one year both paid the claimant and commenced this action for contribution.

Section 14. Effect of Release

This section differs from the Uniform Comparative Fault Act in that the final judgment of the claimant is reduced by the amount paid for a release (unless the amount paid was unreasonable at the time the release was granted) instead of the comparative fault of the released party as determined in the lawsuit. This approach was decided upon in order not to discourage parties from settling with claimants. It was a concern of the Committee that if a released party could not be guaranteed that he would not be subject to additional liability at some point in the future depending upon some comparative fault apportionment, it would discourage parties from entering into such releases.

The bill does not establish any standards for determining whether the amount paid for the release was reasonable or not. It is felt that the courts can rule on this issue without specific guidance from the Legislature. The reasonableness of the release will depend on various factors including the provable liability of the released parties and the liability limits of the released party's insurance.

There is a legitimate concern that claimants will enter into "sweetheart" releases with certain favored parties. To address this problem, the section requires that the amount paid for the release must be reasonable at the time the release was

entered into. Furthermore, it requires parties desiring to enter into such releases to give five days notice to all other parties of the terms of the release. A special provision allowing the court to shorten that notice period for good cause is included to accommodate eve of trial settlements. The potential release party must also secure court approval that the amount paid for the release was reasonable.

The release granted to one party does not discharge any other parties liable upon the same claim unless the release so provides. Under current Washington law, the release of a concurrent tortfeasor does not release other concurrent tortfeasors unless 1) the claimant intended to release all tortfeasors, or 2) the release constituted a satisfaction of the entire obligation. *Callan v. O'Neill*, 20 Wn. App. 32 (1978). The release of one joint tortfeasor, however, releases all tortfeasors regardless of an expressed reservation in the release that it shall not apply to other tortfeasors. *White Pass Co. v. Saint John*, 71 Wn. 2d 156 (1967).

Section 15. Applicability

In order to avoid the question of retroactive versus prospective application of the act, this section clearly states that the act applies to all claims accruing on or after the effective date of the act. An exception to this rule is a partial retroactive application in the case of actions for contribution involving actions which have not gone to trial as of the effective date of the act. In these cases, a right of contribution would still exist except as to a party which has obtained a release prior to the effective date of the act.

Section 16. Legislative Directive

The act will be codified in two different parts of the Revised Code of Washington. Sections 2 through 7 which deal only with the product liability area will be codified in Title 7 which concerns special proceedings and actions. Sections 8 and 9 and 11 through 14 will be codified in Chapter 4.22 RCW which is the current comparative negligence chapter.

MOTION

On motion of Senator Clarke, the Senate resumed consideration of Senate Bill No. 3000.

SECOND READING

SENATE BILL NO. 3000, by Senators von Reichbauer, Clarke, Bottiger, Hayner, Sellar, Goltz, Talmadge and Jones (by request of Senate Select Committee on Confirmation of Appointments):

Modifying provision relating to confirmation of gubernatorial appointees.

The Senate resumed consideration of Senate Bill No. 3000. Earlier today the committee amendment was not adopted. Senator Gould had moved adoption of an amendment.

There being no objection, on motion of Senator Gould, the amendment was withdrawn.

Senator Gould moved adoption of the following amendment:

On page 17, following line 26, add a new section as follows:

"NEW SECTION Sec. 22. There is added to chapter 43 RCW a new section to read as follows:

The appointments by the governor to the Pacific Northwest Electrical Power and Conservation Planning Council created pursuant to chapter 43.____ RCW (sections 1 through 5, chapter ____ (ESSB 3041), Laws of 1981), shall be subject to the advice and consent of the senate."

Renumber remaining sections consecutively.

POINT OF INQUIRY

Senator McDermott: "Senator Gould, my question is, is it your intention that the first appointment made to this power council be covered by this bill?"

Senator Gould: "It is my intention that the power council appointments be covered by the bill, yes."

Senator McDermott: "The ones that will be made as a result of the bill which we passed this morning? The first set?"

Senator Gould: "Yes."

Senator McDermott: "Okay, thank you."

POINT OF INQUIRY

Senator Fleming: "Senator Gould, I know it might be a tough question for you to answer, and if you can, I would appreciate it. This amendment is going on this bill; this bill is going over to the House.

"Would it be your intention when this bill comes back without this amendment on it to vote against concurring or staying with your position as you are at this present time? I don't know if it is a good question, but we had a little situation like that on the northwest power bill and I am just wondering."

Senator Gould: "It is my intention that the northwest power council appointees be considered part of this bill, if this passes in time, prior to the appointments. Beyond that, I cannot say what is going to happen to the bill . . ."

Senator Fleming: ". . . minds do change and I am just saying, would it be your inclination to vote against the bill coming back over from the House, if your amendment is not on it?"

(No reply by Senator Gould)

Further debate ensued.

Senator Woody demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Gould.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

Senator Metcalf moved adoption of the following amendment:

On page 17, line 27, strike all of section 22 and insert the following:

NEW SECTION. Sec. 22. This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

On motion of Senator Gould, the following amendment to the title was adopted:

On page 2, line 12 of the title, following "RCW;" insert "adding a new section to chapter 43.____ RCW;"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 3000 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3000, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3000, 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.

MOTIONS

On motion of Senator Lee, the Committee on Commerce and Labor was relieved from further consideration of Senate Bill No. 3197.

On motion of Senator Lee, Senate Bill No. 3197 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on Local Government was relieved from further consideration of Senate Bill No. 4023.

On motion of Senator Lee, Senate Bill No. 4023 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 3218.

On motion of Senator Lee, Senate Bill No. 3218 was rereferred to the Committee on Social and Health Services.

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bill No. 4196.

On motion of Senator Lee, Senate Bill No. 4196 was rereferred to the Committee on Social and Health Services.

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 4357.

On motion of Senator Lee, Senate Bill No. 4357 was rereferred to the Committee on Commerce and Labor.

Senator Hayner moved the Senate adjourn.

PERSONAL PRIVILEGE

Senator Woody: "Thank you, Mr. President. Fellow members, I would like to say that yesterday, on a strictly partisan vote, the time line provisions for the gubernatorial confirmation process were stricken from the Pacific Northwest Power and Conservation Planning Council bill, upon the insistence of the House of Representatives.

"Today, by a unanimous, and for a change, bipartisan vote in this body, these provisions have been included in Senate Bill 3000.

"I would like to express to this body the hope that the House of Representatives will get a strong message of intent from the Senate on this issue and will not attempt to strike these provisions from Senate Bill 3000. Thank you."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I have just . . . that the personal privilege does not extend to comments upon matters that are before the legislature and that was what the comments had to do with."

PERSONAL PRIVILEGE

Senator Charnley: "Mr. President, a brief comment of personal privilege, please."

President Cherberg: "Senator Charnley."

Senator Clarke: "Motion to adjourn is before the body."

President Cherberg: "The President has not put the motion as yet, Senator."

Senator Clarke: "The motion has been made, Mr. President."

President Cherberg: "Yes, but the President has not put it. It is not a motion until the President puts it, Senator Clarke. Senator Charnley."

PERSONAL PRIVILEGE

Senator Charnley: "Thank you, Mr. President. I just wish to respectfully request from the majority side that when we get a list of bills which are rereferred, that if possible, we could be given that list a few minutes before they are made.

"The . . . comments from the chair is always 'if there is no objection, this will be made.' We have no opportunity to make that objection if we wish to, and it would be helpful if we could have that list before us."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Senator Charnley.

"That is a reasonable request and we will endeavor to comply with it."

At 12:58 p.m., the motion by Senator Hayner carried and the Senate adjourned until 11:00 a.m., Wednesday, March 4, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 4, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Talmadge. On motion of Senator Ridder, Senator Talmadge was excused.

The Color Guard, consisting of Pages Becky Bell and Ken Simpson, presented the Colors. Reverend Wallace L. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 4, 1981:

Final passage SSB 3033: Aye

Final passage ESSB 3035: Aye

Final passage SB 3220: Aye

Final passage ESB 3272: Aye

Confirmation Edward W. Sheets, Director, St. Energy Office: Aye

Final passage SSB 3237: Aye

REPORTS OF STANDING COMMITTEES

March 2, 1981.

SENATE BILL NO. 3044, authorizing the department of revenue to set the county auditors fee for collecting vehicle use tax (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3044 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Gaspard, Haley, Hayner, Lee, McDermott, Pullen, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1981.

SENATE BILL NO. 3145, clarifying the authority of professional service corporations and their members (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE BILL NO. 3495, extending validity of certificates of emergency medical technicians (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Moore, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE BILL NO. 3518, excluding freeway speeding violations between 55 and 70 mph from a driver's insurance abstract (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3518 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Charnley.

Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE BILL NO. 3526, modifying restrictions on political activities of public employees (reported by Committee on Constitutions and Elections):

Recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE BILL NO. 3562, exempting cemetery district commissioners from the public disclosure requirements of chapter 42.17 RCW (reported by Committee on Constitutions and Elections):

Recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE BILL NO. 3866, modifying the powers and duties of the state capital historical association (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE JOINT RESOLUTION NO. 133, amending the Constitution to clarify signature requirements and filing dates for initiatives to the legislature (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 133 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Pullen, Chairman; Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 3, 1981.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 3,
 SUBSTITUTE HOUSE BILL NO. 15,
 SUBSTITUTE HOUSE BILL NO. 49,
 HOUSE BILL NO. 130,
 ENGROSSED HOUSE BILL NO. 204,
 HOUSE BILL NO. 260,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, and the same are
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 3, by Committee on Revenue (originally sponsored by Representatives Rosbach, Fiske, Berleen and Vander Stoep):

Providing for the abatement of taxes on property in a disaster area.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 15, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Tilly and Patrick):

Regulating the forfeiture of property exchanged for controlled substances.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 49, by Committee on State Government (by Legislative Budget Committee request) (originally sponsored by Representatives Amen, Williams, Warnke and Addison):

Revising procedures for forms management.

Referred to Committee on State Government.

HOUSE BILL NO. 130, by Committee on Ethics, Law and Justice and Representatives Ellis and Salatino:

Increasing the bond requirements for notaries public.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 204, by Committee on Transportation and Representatives Wilson (by Department of Licensing request):

Revising laws regulating hulk haulers, vehicle repairmen, rebuilders, restorers, wreckers, and scrap processors.

Referred to Committee on Transportation.

HOUSE BILL NO. 260, by Representatives Prince, Padden, Kreidler, Galloway, Amen and Barr:

Modifying agricultural commodity assessments.

Referred to Committee on Agriculture.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, by Committee on Higher Education (originally sponsored by Representatives Nelson (G), Martinis, Mitchell, Sprague, Bender, Wilson and Houchen):

Authorizing new community college district which will encompass Edmonds Community College.

Referred to Committee on Higher Education.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3033, by Committee on Energy and Utilities (originally sponsored by Senators Goltz, Williams and Ridder):

Authorizing municipal corporation heating systems.

The Senate resumed consideration of Substitute Senate Bill No. 3033. On February 27, 1981, a point of order was raised by Senator Bottiger on an amendment proposed by Senator Guess.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger on the amendment proposed by Senator Guess, the President finds that Senate Bill No. 3033 is a measure which allows local governments and port and public utility districts to develop district heating systems.

"The amendment proposed by Senator Guess substantially amends the bill by providing that such heating systems may only be developed by private businesses.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator Guess was ruled out of order.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 3033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3033, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Quigg, Rasmussen, Ridder, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Guess, Hayner, Jones, McCaslin, Metcalf, Newhouse, Pullen, Scott, Sellar—16.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3035, by Senators Goltz, Rasmussen, Conner and Bauer: Modifying eligibility requirements for veterans' free license plates.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 3035 was substituted for Senate Bill No. 3035 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the following amendments were considered and adopted simultaneously:

On page 2, line 9, after "service;" strike "or"

On page 2, line 12, after "conditions" strike "who" and insert "; or (4) Who"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3035 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3035, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Haley—1.

Excused: Senator Talmadge—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3230, by Senators Talley, Jones and Conner:

Limiting liability of pilots.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3230 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3230, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 4; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Lysen, Pullen, Rasmussen—3.

Absent or not voting: Senators Bauer, Bottiger, Fleming, Hughes—4.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3007, by Senators Hansen, Guess and Hughes:

Regulating private family day care homes.

The bill was read the second time by sections.

Senator Deccio moved adoption of the following amendment by Senators Deccio and Hansen:

On page 4, line 7, after "provider" beginning with "inspection" strike everything down to and including "hazards." on line 10 and insert "an annual inspection of family day-care homes for the sole purpose of insuring compliance with the requirements of RCW 48.48.140."

MOTION

On motion of Senator Shinpoch, Senate Bill No. 3007, together with the pending amendment by Senators Deccio and Hansen, was ordered held for later consideration.

SECOND READING

SENATE BILL NO. 3272, by Senators Talley and Fuller (by Department of Natural Resources request):

Permitting private landowners to transfer dredge materials from the Toutle river area.

REPORT OF STANDING COMMITTEE

February 5, 1981.

SENATE BILL NO. 3272, permitting private landowners to transfer dredge materials from the Toutle river area (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 4 insert a new section as follows:

"**NEW SECTION.** Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

The legislature finds and declares that, due to the extraordinary volume of material washed down onto state-owned beds and shorelands in the Toutle river, Coweman river and portions of the Cowlitz river, the dredge spoils placed upon adjacent privately owned property in such areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge."

Re-number the remaining sections accordingly.

On page 1, line 7, after "river" insert ", Coweman river"

On line 1 of the title, after "new" strike "section" and insert "sections"

Signed by: Senators Peterson, Chairman; Conner, Gallagher, Haley, Metcalf, Patterson, Rasmussen, Talley, Vognild, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendments were adopted.

On motion of Senator Gallagher, the committee amendment to the title was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Senate Bill No. 3272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3272, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Fleming—1.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Moore: "I just received some rather bad news. Today the Western State Hospital was denied accreditation. Now there are no specific guidelines as laid down by the accreditation committee. However, it is a very prestigious group. It is made up of a representative from the American Medical Association, the American Dental Association, the American Hospital Association, and a member of the college of physicians, and one from the college of surgeons.

"Now it is generally thought by this group that somewhere in the neighborhood of ten hundred and fifty employees at Western Hospital would be within a framework that would work for accreditation. The problem seems to be that we do not have enough registered nurses nor enough licensed nurses at the institution; and with the proposed cut of perhaps as many as a hundred and twenty-five more, and I have spoken with the hospital this morning, spoken with the superintendent; and you know, he is more than distressed, and the reason I am speaking on this at this time is that I want everybody in the Senate, and hopefully those in the House, to give serious consideration because you know we are known as the most livable state. And believe me, when we sink down to the point where we do not have accreditation of our institutions, we are not in a 'most livable' situation. And I want to impress upon you that this is one of the most critical areas in which we need to spend money in the state.

"Thank you for your time."

MOTION

On motion of Senator Gould, the appointment of Edward W. Sheets as Director of the State Energy Office was confirmed.

APPOINTMENT OF EDWARD W. SHEETS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator McCaslin—1.

Absent or not voting: Senators Metcalf, Talley—2.

Excused: Senator Talmadge—1.

SECOND READING

SENATE BILL NO. 3237, by Senators McDermott, Jones, Fleming, Patterson, von Reichbauer, Gould, Talmadge and Gaspard:

Authorizing university tuition and fee exemptions for students receiving athletic scholarships.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3237 was substituted for Senate Bill No. 3237 and the substitute bill was placed on second reading and read the second time in full.

Senator Lysen moved adoption of the following amendment:

On page 1, line 9, after "law," insert "with the approval of the respective faculty senates or faculty governing bodies."

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Benitz, what is the fiscal impact of this bill? How much money are we talking about which will be lost to the university, the university's . . ."

Senator Benitz: "Senator Lysen, I believe that is not concerned with the amendment. We will address it later on."

Senator Lysen: "Well, I guess . . . let me continue, Mr. President. I think this is really the substance. I am all for giving scholarships for athletes, but the question is 'Who is going to pay?' There is no free lunch; somebody, somewhere in our university programs is going to have to suffer or pay the price of this subsidy and I just feel it should be broad-based university decision, and this is a mechanism, a legal statutory mechanism where we can involve the faculty by requiring their approval. And they will come under vigorous debate inside their own faculty senate on which way to go on it; and they may very well approve it; but that would be quite important.

"But the important thing is their participation in it and the precedent it sets at the university level.

"Now I haven't had an opportunity to lobby the members on this whatsoever, so may be hitting some of you rather cold; but I think the concept is a good one and it is a sound one and it should be implemented and approved."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President.

"Members of the Senate, in responding to your amendment, those of us that have had an opportunity to be associated with an institution of higher learning are well aware that the board of regents, in making a decision such as this, are going to counsel with every element of that university before the decision is made; but I think it is important for us to also recognize that they must have final authority.

"And the way that your amendment is drafted, it says that it 'must be approved by' or it is not going to take effect and I think the mechanisms of trying to accomplish anything, you cannot relieve the final responsibility from the trustees or the board of regents in making a decision of this magnitude."

The motion of Senator Lysen failed and the amendment was not adopted.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 3237 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3237 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Jones, Newhouse, Patterson, Peterson, Ridder, Talley, von Reichbauer—21.

Voting nay: Senators Benitz, Charnley, Craswell, Deccio, Gallagher, Haley, Hemstad, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—27.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3237, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would, at the appropriate time, move for reconsideration of the vote by which Substitute Senate Bill No. 3237 failed to pass the Senate.

PERSONAL PRIVILEGE

Senator Bauer: "Thank you, Mr. President, members of the Senate.

"It certainly is my pleasure and privilege here today on this floor, to recognize with you, a group of fifth and sixth grade students who have been participating in the political process, probably before but at least since the election time.

"They brought in members of both political parties into their classroom and interviewed them and made an assessment of their talents and their commitments. They made up scrapbooks.

"Today they have come here to visit you, to observe. In addition to that, they are all wearing red ribbons to express their patriotic zeal for us and others in the nation to do something about the MIA situation.

"Senator Zimmerman and I and others here sponsored a resolution, a memorial, and this body passed it unanimously to help get the MIAs back.

"In addition to that they have a large piece of paper that they all wrote their names on, urging this body to quickly approve Senate Bill 3108 which is the Martin Luther King holiday bill. They have a little special interest in that, of course, in addition to their dedication to quality and good government, recognition of great people in our history.

"So it was with that that I am pleased to have this opportunity to be among you in recognizing these young people who are, and teachers and parents who are good examples of what good education can do for our state, and we commend them for that, and I thank you very much for the opportunity."

MOTION

At 12:20 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Thursday, March 5, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 5, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Talmadge. On motion of Senator Ridder, Senator Talmadge was excused.

The Color Guard, consisting of Pages Nancy Cook and Jeff O'Hare, presented the Colors. Reverend Wallace L. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 5, 1981:

Confirmation Gordon Sandison, Board of Trustees, etc. WWU: Aye

McDermott Amend. to SJM 105: Aye

McDermott, et. al. amend to SJM 105: Aye

Bottiger amend to SJM 105: Aye

Gaspard amend to SJM 105: Aye

Final passage ESJM 105: No

Final passage SSB 3237: Aye

Motion to reconsider vote by which SB 3252 failed to pass the Senate: Aye

REPORTS OF STANDING COMMITTEES

February 26, 1981.

SENATE BILL NO. 3019, repealing obsolete provisions relating to probation counselors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

February 26, 1981.

SENATE BILL NO. 3372, increasing penalties for telephone or telegraph fraud (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Woody.

Passed to Committee on Rules for second reading.

March 2, 1981.

SENATE BILL NO. 3542, permitting self-insurers to close certain claims under workers' compensation (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3542 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild, Williams.
Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE BILL NO. 3580, excluding from disclosure certain information relating to bids (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1981.

SENATE BILL NO. 3852, providing for library funding (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1981.

SENATE BILL NO. 3871, facilitating construction of a toll bridge at north Richland (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Guess, Hansen, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 5, 1981.

HOUSE BILL NO. 4, designating the Roosevelt Elk as the state animal (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Conner, Deccio, Gallagher, Moore, Quigg.

Passed to Committee on Rules for second reading.

March 3, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, implementing law relating to payment of school district personnel (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Lee, Scott.

MINORITY recommendation: Do not pass.

Signed by: Senators Bottiger, Gaspard and Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 5, 1981.

HUGH FOWLER, to the position of Director of the Department of Emergency Services, appointed by the Governor on January 14, 1981 for the term ending at the

pleasure of the Governor, succeeding Edward Chow Jr. (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

March 5, 1981.

KEITH A. ANGIER, to the position of Director of the Department of General Administration, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Vernon L. Barnes (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

March 5, 1981.

HECTOR LUIS TORRES, to the position of Director of the Department of Veterans Affairs, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Lewis Belcher, Jr. (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

March 4, 1981.

RUTH BALKEMA PRINS, ED.D., to the position of Member of the Public Broadcasting Commission, appointed by the Governor on January 19, 1981 for the term ending June 19, 1983 (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules.

March 4, 1981.

JANE RAE WILKINSON, to the position of Member of the Public Employment Relations Commission, appointed by the Governor on January 19, 1981 for the term ending September 8, 1985, succeeding Mary Ellen Krug (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules.

March 4, 1981.

ALAN J. GIBBS, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on February 9, 1981 for the term ending at the pleasure of the Governor, succeeding Gerald Thompson (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Vice Chairman; Kiskaddon, McCaslin, Metcalf, Rasmussen, Ridder.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 5, 1981.

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:

Mr. Charles E. Robinson, appointed February 27, 1981, for a term ending October 7, 1983, succeeding Saul Arrington as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

Office of the Governor, March 5, 1981.

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:

Mr. Les Conrad, appointed February 27, 1981, for a term ending October 7, 1983, succeeding Bernie Whitebear as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

Office of the Governor, March 5, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Mr. Richard T. Schrock, appointed March 2, 1981, for a term ending at the pleasure of the Governor, succeeding Mr. Robert C. Anderson, as Director of the Department of Commerce and Economic Development.

Sincerely,
JOHN SPELLMAN,
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, March 5, 1981.

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:

Mr. W. Hunter Simpson, appointed February 27, 1981, for a term ending September 30, 1986, succeeding David L. Cohn, as a member of the Board of Regents for the University of Washington.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 5, 1981.

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:

Mr. Robert F. Philip, appointed February 27, 1981, for a term ending September 30, 1986, succeeding Ms. Elisabeth Carey Miller, as a member of the Board of Regents for the University of Washington.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 5, 1981.

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:

Mr. Eustace "Sonny" Vynne, Jr., appointed February 18, 1981, for a term ending December 31, 1982, succeeding Don Hodges, as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

Office of the Governor, March 5, 1981.

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:

Jack R. Gustafson, M.D., appointed February 18, 1981, for a term ending December 31, 1982, succeeding Allen F. Stratton, as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

Office of the Governor, March 5, 1981.

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:

Mr. Thomas M. Ryan, appointed February 18, 1981, for a term ending December 31, 1986, succeeding Eustace Vynne, Jr., as a member of the State Parks and Recreation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Parks and Ecology.

PERSONAL PRIVILEGE

Senator Metcalf: "Thank you, Mr. President, I rise to a point of personal privilege.

"I rise today to fulfill a long-standing obligation to the Senate and the things that are being passed out here are in response to that. I would like to tell you I spent half an hour, whipped these up last night and baked them myself, but that isn't really true. My wife really did enjoy doing this and they are fresh-baked butterhorns.

"I would relate to you one comment; I don't know how your spouse feels about your participation in politics, but if my wife had veto power, I would not be back in politics and I think that many wives feel the same way.

"She did say, though, as I left, 'If, by some fluke I ever run for the Senate and get elected,' she says, 'I've already paid my obligation,' because she did bake these.

"I appreciate the opportunity to bring them to you, I hope you enjoy them."

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Benitz, the appointment of Gordon Sandison as a member of the Board of Trustees, Western Washington University, was confirmed.

APPOINTMENT OF GORDON SANDISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Goltz—1.

Excused: Senator Talmadge—1.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 3041.

STATEMENT FOR THE JOURNAL

March 5, 1981.

On the issue of voting on the confirmation of Gordon Sandison as a trustee of Western Washington University, Gubernatorial Appointment 407, I absented myself from voting because there may be a conflict of interest. As a part-time employee at Western Washington University, on leave of absence without pay while serving in the Legislature, I believe it improper to vote to confirm a person who has direct control and supervision over that part-time employment.

This action is in no way meant to cast any doubt or lack of confidence on the qualifications of Gordon Sandison to serve in this important capacity.

Signed: H. A. "Barney" Goltz,
Senator, 42nd District.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 6, 1981.

On motion of Senator Clarke, the Senate commenced consideration of Senate Joint Memorial No. 105.

SECOND READING

SENATE JOINT MEMORIAL NO. 105, by Senators Hurley, Conner, Sellar, Lee, Scott, Deccio, Lysen, Hansen, Rasmussen, Wilson, Metcalf, McCaslin, Pullen, Craswell, Benitz, Hayner, Fuller, Quigg, Peterson, Haley, Talley, Clarke, Patterson, Gallagher, Vognild and Moore:

Requesting Congress to amend the Constitution to require a balanced federal budget.

MOTION

Senator Clarke: "I move that the Senate do now consider SJM 105."

President Cherberg: "Senate Joint Memorial 105, if there is no objection, the Secretary will please read the last line of the measure."

Secretary: "The union."

President Cherberg: "An amendment. The Secretary will please read."

Secretary: "By Senators McDermott, Haley, Gaspard, Ridder, Williams, Gould, Hughes, and others. Strike all of the language down to and including the period on line 10, page 3."

Senator McDermott: "Mr. President, with the consent of the body I think the amendment on page 2, line 27, is perfecting that section and therefore ought to be considered before the one on page 2, line 20, which is a striking amendment."

President Cherberg: "The Secretary advises that you are absolutely correct, Senator McDermott. The Secretary will please read."

Senate Amendment to Senate Joint Memorial 105, by Senators McDermott, Wojahn:

On page 2, after line 27, insert:

"THAT, this application by the legislature specifically requests that constitutional convention called for herein not be allowed to consider or amend amendments to the Constitution of the United States numbered 1, 2, 4, 5, 6, 7, 14 and 19."

Senator McDermott: "Mr. President, members of the Senate. This amendment is offered because I have great concern over the issue of allowing the Congress to call a convention to deal with a single subject. There are many diverse opinions on this. It is clearly not an issue that has been resolved in the past and there are very good constitutional lawyers who say that once called the convention can deal with everything.

"The process of putting together our Constitution was not an easy one and it seems to me the work of the founding fathers on these amendments which I have specified—I could have put them all in but—I put these in because they are the ones that I, personally, feel strongest about: the right of free speech, the right to keep and bear arms, to secure your home from unwarranted search and seizure, the right to be accused, speedy trial, trial by jury, due process, women's suffrage—I think those issues have been decided for this country and I do not think that we should send out of this body anything that is in the least bit ambiguous about our attitudes about those particular subjects.

"I think that they do not require further discussion and I think a simple statement by this legislature, that these issues, specifically, we want to leave no question in the supreme court's mind when this issue is brought before them, because if they have a constitutional convention and if subjects other than a balanced budget amendment are considered, as well they might. I want there to be a basis on which the supreme court can deal with these specific amendment. For that reason I offer this amendment and urge your adoption of it."

Senator Bottiger: "Mr. President, I request a roll call vote."

President Cherberg: "Senator Bottiger, the President will place your demand in just a moment. Senator Clarke."

Senator Clarke: "In response to the remarks by Senator McDermott, the proposal as now drafted specifically restricts consideration to one subject and if, as Senator McDermott has suggested, this should be ruled, for some reason that I do not think it would be, but the possibility always exists that it be ruled to be improper and that the matter be wide open, I think exactly the same result would occur with respect to the adoption of Senator McDermott's amendment, because either it's wide open or it is not.

"So I would urge the defeat of the proposed amendment and permit the matter to be passed with the restriction that it is solely to consider this one element."

Senator Hurley: "Mr. President and members of the Senate.

"First of all, I would like to make the point that this is a model memorial. It was presented to this legislature and to all the other legislatures in the nation as a model bill and it is my contention because I have worked on these before, not just this type, but one a long time ago. And the intention then was that we pass the memorial without amendment.

"If there is an amendment, and this is the tactic of the opponents of the memorial, if there is an amendment, this could very well be thrown out by Congress. Congress might say, 'it doesn't say exactly what all the rest of them are saying and so we are not going to consider this with the other thirty states that have passed this memorial.'

"I have been led to believe that the memorial is in the same form as this that was presented to our legislature.

"I would like to make one further point on the McDermott amendment. There's a provision on the top of page 3 that says explicitly that 'this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.' Well, it's peculiar that Senator McDermott feels that if this paragraph doesn't limit the consideration, that his paragraph should, then, limit the consideration. I think it is a contradictory amendment, it contradicts his own argument. And so I ask you to vote it down."

Senator Gould: "In response to Senator Hurley's comments, I call to your attention a copy of The Seattle Times' editorial which I asked to be distributed, of Monday, March 2.

"About the third paragraph down, if I just may read a sentence: 'The petition to Congress would be declared null and void if the constitutional convention were called and its participants attempted to go beyond the stated purpose, but that would be long after the fact.'

"I also call your attention to one other sentence that's in, two paragraphs down that says, 'In short there are few if any safeguards to insure that the desired goal would be achieved or to protect against excessive tampering with a document that has served this country well for nearly two hundred years.'"

Senator Pullen: "Thank you, Mr. President, members of the Senate.

"Also speaking against the amendment and concurring in the remarks of Senator Hurley, there may be a serious danger if we adopt this amendment in that it could possibly be construed as allowing unlimited spending or the fact that we are not going to balance the budget, possibly, in those areas dealing with those particular amendments.

"So there is a risk that even if it does not invalidate our resolution, and Senator Hurley is quite correct, if we make the language too different from the ones that have already passed, it could invalidate the entire resolution.

"But more than that, even if this were accepted, it possibly could have the effect of allowing a balanced budget only in those areas that are not set forth in the amendment. So I would urge you to vote 'no' on this particular measure."

Senator Metcalf: "Thank you, Mr. President."

"Members of the Senate, I too, rise to speak against the amendment. I would like to comment, though, on another fact. When you look at the amendment, the process, whatever might be done by any convention has to come back to be ratified by thirty-eight states; and I do not share Senator McDermott's fear of the state legislature and his distrust of them. I think that if anything is done to tamper with that document that would not be in the best interest of people, you can bet the state legislatures of America would rise up and not ratify it.

"So this is only the first step of a process that would wind up in the legislatures of the various states. We have nothing to fear, I believe, from the legislatures of the states, elected by the people. I urge you to vote down the amendment."

Senator Wojahn: "Mr. President. It seems to me that we're really not deciding here what we want in the state of Washington unless we do accept this amendment."

"We don't need to follow like lemmings, every other state in the Union. I think the state of Washington has been rather independent in its approach to legislation; as a matter of fact, some of our legislation, we lead the nation. We have developed the ideas. There is an idea in financial institutions and insurance proposed by Senator Haley that is outstanding on uninsured motorists, and I think that these are the things that we have to be proud of.

"And I believe that this amendment is absolutely necessary. In the first place, all of these amendments that are proposed here were adopted 'way back in early, early parts of the country, 1791, for all of them except the fourteenth which was adopted in 1868; and in 1920 was the nineteenth amendment. So that the process has been very orderly; it's been done by bits and pieces with a lot of thought. But it's been done without a constitutional convention.

"If we open up the Constitution, which we can do under this proposal, then we are going to be endangered, in my opinion, because there are so many problems out there, that people perceive to be problems, that there is going to be a lot of haranguing and a lot of discussion and I have a feeling that the intent of this amendment is going to be lost. There is going to be the liberty amendment, people there wanting to repeal the Federal income tax, dissolve the U.S. Supreme Court, there are going to be other areas of amendments that particular interested groups are attempting to achieve, and they are going to be part of the process, and they are going to be in there, lobbying for the things they want and may well forget that the purpose of the whole thing is to call for a balanced budget.

"You know all we really need to talk about is to tell the Federal government to stop spending money; that's the simple way to do it.

"Seems to me that we've survived on a Constitution that was developed many, many years ago, and it has survived the test of time. And I think that one thing is really important, this was talked about on the floor the other day, about Thomas Jefferson. A great man, I think we'd all recognize that and admit to that. And the things that he had put on his tombstone, I think are really great. He didn't say, he was asked before he died what he wanted, and I think it was customary to tell people what you wanted on your tombstone. He had two things that he put down that he wanted: 'The drafter of the Constitution of the United States and the Bill of Rights,' and the 'perpetrator' or 'starter' or the 'developer of the University of Virginia.' He did not even mention that he was a President of the United States; he didn't think that was important. He had done other things that were far more important.

"Let's not tamper with something that is precise and orderly. Let's do it properly and let's ask for the thing we want and not ask for a, or let it be interpreted as something that which we may achieve, a lot of things we don't want."

Senator Fleming: "Mr. President, members of the Senate.

"With the permission of the body, I would like to move an oral amendment. That oral amendment would add amendment 13 and 15. May I speak to that?"

President Cherberg: "Senator Fleming has moved the adoption of an oral amendment. The Secretary will please read the amendment."

Senator Fleming moved adoption of the following amendment to the amendment by Senators McDermott and Wojahn:

On the last line of the amendment and before "14" insert "13" and before "19" insert "15"

Senator Fleming: "Mr. President and members of the Senate.

"I recognize that I could go through this Constitution and point out several other constitutional amendments that we would not want tampered with but I just thought maybe, just glancing through here, based upon the fact that if in fact, this amendment would carry, and if in fact this scenario would carry out that we have here today, that I thought also, further, on things that are taking place around the nation and the mood of certain organizations within this country, I thought that the thirteenth amendment, abolition of slavery, would be added to this, and also the fifteenth amendment which deals with negro suffrage.

"I just think that if it would not harm this amendment, that all . . . those two were added."

President Cherberg: "The question is the adoption of the oral amendment. As many as are in favor will say 'aye;' as many as are opposed will say 'no.' The ayes appear to have it. The oral amendment is adopted.

"The question is the adoption of the amendment as orally amended. As many as are in favor will say 'aye;' Senator Bottiger has demanded a roll call."

The roll call was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators McDermott and Wojahn, as amended by Senator Fleming.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 24; nays, 24; excused, 1. The President voted Yea.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—24.

Excused: Senator Talmadge—1.

President Cherberg: "Further amendments? An amendment, the Secretary will please read."

Senate amendment to Senate Joint Memorial No. 105 by Senators McDermott, Haley, Gaspard, Wojahn, Bottiger, Goltz, Hemstad, Ridder, Williams, Vognild, Gould, Charnley, Lysen, Bauer, Hughes and Fleming:

On page 2, beginning on line 20, strike all the language down through the period on page 3, line 10.

Senator McDermott: "Mr. President, I move the adoption of the amendment.

"Mr. President, in offering the first amendment, I was trying to perfect what I fear to be a bad convention. I really prefer this amendment more than the first

amendment in that it strikes the question of a constitutional convention at all. It says that the Congress shall propose a balanced budget amendment and I think that's sufficient; to take the risk of a constitutional amendment and I have taken the liberty of putting on each member's desk a memo sent to me by Joe Dear of The People for Fair Taxes. In the third paragraph of that, he says 'the supporters of the convention route have repeatedly assured us that there is an overwhelming consensus among constitutional law scholars,' and I apologize for the spelling, 'that a constitutional convention can be effectively limited in the issues that it may pursue. I think it is simply wrong to assert that there is any such overwhelming consensus.'

"Now I think that there is no one on this floor who is not in favor of the concept of a balanced budget. We don't want runaway inflation, we don't want runaway big government. But to open up the Constitution of the United States for that single amendment seems to me one of the most irresponsible things we could do. I think there is a way to handle it without allowing for the convention and for that reason I offer this amendment which would take away the possibility of a convention."

Senator Haley: Mr. President, and members of the Senate.

"Speaking in favor of this amendment, I am terrified by the idea of a constitutional convention. I think that there are many people in Congress who would love such a thing and I think it's a trend right now, especially in the U.S. Senate, is that they would support having a constitutional convention.

"I think that there are those who would like to lead us down the primrose path so that the convention could be opened up for other subjects that many of us would not like it opened up to. I think it would be absolutely inevitable that there would be a lot of pressure to open up a constitutional convention to other subjects than this.

"So for that reason I urge a 'yes' vote on this amendment."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, as I understand, if this resolution is to be passed and we have already protected several amendments to the Constitution by the adoption of previous amendments, if this were adopted, Congress has the alternative of proposing the constitutional amendment themselves, with a debt limit, or calling a constitutional convention."

Senator McDermott: "Senator Rasmussen, my intention, by this amendment, to take away the possibility of calling a constitutional convention, it would place on the Congress the burden of offering an amendment on a balanced budget."

Senator Rasmussen: "Thank you, that is what I wanted you to say, Senator McDermott."

Senator Rasmussen: "Mr. President and members of the Senate.

"Speaking against the amendment. What Senator McDermott's amendment would do, is, of course, take away any possible club that we have of telling the Congress 'You either do this or you have to call a constitutional convention.' Now I'm sure that Senator McDermott is very sincere in taking this part out, but that's the club part, that's the part that says 'You act.' There is an overwhelming consensus that we are in deep trouble; the debt was, I think as of yesterday, was \$950 billion, gone up \$2 billion since yesterday and we are presently servicing the debt in January with \$6,216,000,000 interest alone on the debt, with which we could do a lot. If we had that interest to work with we could do a lot in providing jobs and helping the poor and those that can't work.

"So speaking against the amendment, I think that you, you're really destroying the memorial, destroying the intent of the people that want the debt limited, that want a balanced budget and in fact, I think the people would support strong measures by the Congress to make a special tax to reduce the debt. We've been going for years and years and years saying that 'We'll base the budget on full employment.' You know and I know that we've gone through ten of the best years that

we've ever had as far as people making money, people having large incomes, and that Congress has not recognized that; they are still dealing back in 1932 and saying 'We're in a depression.' Well, we worked ourselves around to where we are right on the point of another depression, and I think it takes a strong measure like this to tell Congress 'Get down to business, balance the budget,' and so I would urge that you vote against this amendment."

Senator Bottiger demanded a roll call vote and the demand was sustained.

Senator Hurley: "Mr. President and members of the Senate.

"I'd like to speak in opposition to the amendment. The requirement of the constitutional convention, in my mind, is the enforcement part of this memorial. It tells Congress 'If you're not able to do the job, if you're not able to get out there and control the budget, then step aside and let somebody who can, do the job.'

"Now this has never happened. Congress has never had to call a constitutional convention and I would presume that it probably never would. Congress is very jealous of its authority, just the same as this legislature is jealous of its authority. When we are presented with an initiative by the people, that initiative says 'Do something about this situation; you haven't done it and you either do it or you let us do it by this initiative.' Well, this legislature, especially in the instance of the shorelines management act, had the alternative of putting another measure on the ballot; and it is the opinion of experts, constitutional experts, that this is what would happen, Congress would see that our state might be thirty-one, they would only have to have three more states and they would get busy and start to do something about it, so their authority would not be eroded.

"Now in answer to Senator McDermott's expert, I have an expert of my own. James Stansy, congressional staff expert on constitutional conventions, has said to those who fear a runaway convention, it need only be observed that the only group threatening to run away with it so far is Congress itself. Clearly, what Mr. Stansy means, is that Congress will attempt to insure its own dominance over any convention. It will employ two tactics in doing this; first, when thirty-four states do apply for a convention, Congress will do its best to avoid calling it; second, Congress finally, might be compelled to call a convention and it will restrict the convention as much as possible, so it doesn't erode their authority, of course.

"Mr. Stansy concludes that there is little doubt that Congress will be the final master of convention action.

"Now a constitutional convention can't change the Constitution by itself; it's an only proposed amendment. If a constitutional convention proposes a different amendment from what Congress has decided they want to approve, Congress could refuse to send this amendment for ratification to the states. It could also subject it to the rule by Federal court; and finally we have one further guarantee, thirty-eight states have to ratify this.

"So I would think that there are enough provisions built in to protect against a runaway constitutional convention and it even says that 'Please don't count our state'; it's going to be null and void if we can't limit the consideration of this constitutional convention.

"So I believe that the amendment is unnecessary and I hope you will oppose it."

Senator Hughes: "Thank you, Mr. President, members of the Senate.

"I guess the crux of the arguments put forth today is that this is a very safe and a very sound way of telling Congress to do its job. I wish I could agree with that.

"It's not a very safe, it's not a very sound way. In the history of this country, in the twenty-six previous amendments that were adopted, this club of requiring Congress to call a convention or else, has never been used. We protected an awful lot of personal rights and dignities; we've insured an awful lot over two hundred years and we've done it without using the club of 'If you don't call a convention, then you are

going to have a constitutional convention, if you don't pass an amendment, you are going to have a constitutional convention.'

"This is a club, and believe me, Congress is going to swing back if we throw it at them, if we can even contain it to one single subject.

"I think we are making a very bad mistake; if you want to deliver a message to Congress, pass this resolution without a call for a constitutional convention. They are very perceptive people back there; they look at the ballot box, they look in the messages, but don't endanger some guarantees that have been given to us over two hundred years with a tactic that never before has been used in our history."

Senator Hemstad: "Mr. President, members of the body.

"Speaking in favor of the amendment. The references in the memorandum to Gerald Guenther and Lawrence Tribe I think are exactly correct. These two professors are the two most knowledgeable and prestigious persons in the country with regard to constitutional law. I agree entirely with their comments, that there is no standard of certainty whatsoever as to whether a constitutional convention, once called, could be limited.

"We have no precedence in this country to deal with the issue, at least since our Constitution was adopted. However, there is one precedent and that is our own Constitution. In 1789 when the constitutional convention was held, that convention was called to deal with deficiencies in the Articles of Confederation. The system was not working and the purpose of that convention was to come up with amendments to the Articles of Confederation; once assembled, however, our constitutional convention concluded that the Articles would not work at all, and they proceeded to write an entirely new Constitution.

"So the only precedent we have in the entire American history, is one that goes exactly contrary to those who assert that it can be limited.

"Now I am not afraid of having a national debate about calling a constitutional convention; I think it might, in fact, be healthy and it may even be desirable to hold such a convention. But if it is to be done, it seems to me it should be done with everyone knowing what's going to happen and with an understanding of what the potential issues are that can be undertaken, namely the entire issue of what our Constitution should look like, not under the, sort of Russian roulette of adopting this kind of proposal and then taking the risks of what our supreme court will do with an issue that is entirely without precedence in our history."

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott and others to page 2, beginning on line 20.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Vognild, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—26.

Excused: Senator Talmadge—1.

President Cherberg: "Further amendments."

Senate Amendment to Senate Joint Memorial No. 105, by Senator Bottiger: On page 2, line 18, after "year" insert "except capital expenditures"

Senator Bottiger: Mr. President, members of the Senate.

"The slip I passed out to you has line 19 on it, that's an error, it's line 18.

"Now, I'd like to discuss with you just a little bit, the hypocrisy of what we purport to do here today, and explain the difference between the Federal expenditure budget system and that of our own. If we claim that we have a balanced budget, and we claim that, it's because of the way we define our balanced budget. We do not include within our balanced budget, capital expenditures. We borrow money to buy those things and yet we say we have a balanced budget.

"If you will read carefully the words of this memorial, you will discover that all expenditures, both capital and ordinary maintenance expenditures, are included within the language of the proposed constitutional amendment. So we are really being hypocritical, we and all the other thirty states that have passed this memorial, because in fact, none of us have, under these terms, a balanced budget.

"Now what do we do with the funds that we borrow? Not only us but all of the political subdivisions of this state—we build schools on borrowed money; we build highways and ferries and transit systems on borrowed money. We build, our cities built Kingdoms on borrowed money. And the reason we do that is we spread out over the life of that facility, the cost of the facility for those that use it. Some of the things we buy we will never live to fully use. Our children will use them and we make a valid judgment decision that that is the best way to do it.

"Now how can we be hypocritical and say to the Federal government that 'You're different; we don't expect you to apply to the same standards and the same systems we do; we want you to pay for everything in the year you buy or build it.' The aircraft carriers, the cruise missiles, the parks; all of the rest of the things the Federal government purchases with money which are capital expenditures within our own definition.

"Why do we do this memorial? We do it because we are political hypocrites. We have found a sexy political issue to embarrass another unit of government, and we are going to do that; but if we were honest we would adopt this amendment and allow the Federal government in defining a balanced budget, to use exactly the same definition we do when we go home and tell our people that we have a balanced budget."

Senator Clarke: "Thank you, Mr. President. I would submit that there's a very substantial difference between the Federal budget and the state budget, in that the relationship between capital expenditures and what are regarded as normal maintenance expenditures, are entirely different.

"The capital budget of the Federal government is a relatively small situation with regard to the balance of the budget, and while Senator Bottiger's observation might be quite valid with respect to a state budget, I think that with his amendment, the entire resolution would become entirely meaningless and in reality, if it were adopted, it would accomplish substantially nothing."

Senator Hurlley: "Mr. President and members of the Senate.

"I think Senator Bottiger has managed to find a great big fat loophole to propose in this memorial. I think the bill itself provides for the situation that Senator Bottiger is talking about. On page 2, line 16 it says in particular it requires this constitutional amendment 'in the absence of a national emergency . . .'

"Well, I think if we couldn't build cruise ships, and if we couldn't defend our state and if we couldn't provide many of the items that he has already mentioned, of course it would be an emergency, a nationwide emergency. And I don't think that anybody that is supporting this amendment wants an emergency of this kind. We don't want our situation in our nation to be in a dangerous position, but I suppose it would be up to Congress to determine what that national emergency is.

"I think that his concerns are taken care of in the memorial and I agree with Senator Clarke (I sometimes do), and I hope that you will oppose the amendment."

Senator Bluechel: "Mr. President, ladies and gentlemen of the Senate.

"Speaking to the points brought up by Senator Bottiger, the first point is that we do pay for the capital purchases, we pay the principal and interest on a regular schedule to balance our budget. The second item which we do not have the capacity to do and which the Federal government does, is that if they are unbalanced in any, they merely print money to cover that unbalance. We can't do that, and that is precisely the point that we are trying to get at, is to make the Federal government fiscally sound."

Senator Fleming demanded a roll call and the demand was sustained.

Senator Rasmussen: "Mr. President, members of the Senate.

"Speaking against the amendment as offered by Senator Bottiger. What we are trying to do is send a message to Congress and I think Senator Bottiger has forgotten that the people of the state of Washington sent a message to us. The people sent a message to us by initiative 62 that we could not load unlimited debt on the municipalities. But in addition to that, the people, by the adoption of amendment 60 which had the concerns of Senator Bottiger and everybody on this floor, that we were getting ourselves into an unmanageable debt situation; and by that amendment we put a limit, a limit on the total amount of debt that we could incur, within the earnings shown by three-year average for the state.

"Now what he would do is say that 'Well, but we want to exclude this.' Congress has unlimited power and Congress is financing many, many projects entirely outside of the budget that people know nothing about, even the members of Congress because there are so many they can't keep track of them.

"So I would say that we don't need that amendment as proposed by Senator Bottiger; let us send them a clear message that the people of the state of Washington are demanding, as they did of us, that we control our expenditures, use the money wisely, but keep it within the ability of the people to pay.

"So I would urge you to vote 'no' against this amendment."

Senator Hughes: "Thank you, Mr. President, members of the Senate.

"If the intention of this body is to control revenue, this measure will not do that. This is not a spending control measure; this is a balanced budget proposal. You may say, 'Well, Congress will not raise the taxes.' I would suggest to you that over 75% of the national debt is a result of war, World War II, World War I, Korea, Viet Nam, et cetera.

"If you really want to control spending, let's pass a resolution outlawing war. It's about as effective as this resolution.

"Senator Bottiger has made some very clear points about the hypocrisy of a resolution that we sent to Congress, when we don't even apply the same standards to ourselves. I think a lot of us have gotten in a trap; the public wants more responsibility from Congress; I would agree. That does not mean that the Congress should be sent a simplistic measure that is not really a revenue control measure, that has no constitutional or historical precedent. And if ever there was a simplistic solution to a complex problem, what we see occurring today is a classic example. And I hope some of us will look beyond the political attractiveness of this to the real impact of this resolution."

Senator Quigg: "Mr. President, members of the Senate.

"The unprecedented condition this country finds itself in now, I think is the reason we find such a welling of support for this kind of a measure.

"People who have worked hard all their lives and saved, find those savings eroded embarrassingly to the point where they are worthless. They are made fun of by the inflated money that they are required to take to try to buy the most basic services; when they had planned to really have a retirement they could depend on, they are impoverished because they took the time to save for retirement that a money-printing Federal government trying to put out enough Monopoly money to

stay ahead of the deficits that they were creating, was putting these people deeper and deeper in the hole.

"That's the kind of precedent we find ourselves dealing with and I think it's the kind of precedent that Senator Hemstad mentioned earlier, the Articles of Confederation were getting to be a little problematic years ago, unprecedented; so they got together and did something about it.

"I think we are fortunate in this case to have put the focus on the problem. The problem is, a budget balanced with funny money; and it may be funny in Washington, D.C. but it's not funny when you go to the store with it, you find out that it doesn't buy anything. And you can't figure out why. Well, the reason why is, because some benevolent press operator back in the mint is picking your pocket, the 1200 rpm or whatever it is they set the \$20 dollar bill machine at or any of the rest of those, assuming they use the currency, that's no counting using a little bit of sleight-of-hand between the treasury and the Federal Reserve Board; they don't even have to print that stuff, they can do it with book entry.

"Well, we're dealing with some real pros; some pros in Washington that have set about in this country an unprecedented inflation machine to devour any incentive and any of the wealth that hard-working people have put away to provide for themselves and their families. And I think this sends back a very clear message, that that unprecedented theft has got to come to an end. I think that it is a message that those folks have to hear loud and clear; there's indications it's leaking through. Last November it was an indication that it is starting to come through, but I think we should keep that full court press on."

Senator Gould: "Members of the Senate. I don't think anybody here wants to say to the government, 'Spend more.' I don't think that's the issue. We all want to say, 'Hold back, stop, don't gain, and cut back.'

"It's not a matter of whether we want to say it, but how we want to say it. We can all get some wonderful political mileage out of making big rhetorical speeches about what's happening to the economy. We all know that; we all believe it; and we can get some political gains by 'sending a message back to Congress' this way. That's true. But is this the way to do it? In my mind, the alternative is not telling them to balance the budget no matter how big it is and raising taxes to meet it, but in my mind the way to, the way to really put a hold on this spending at the Federal level is to tie it to, say twenty-one percent of the gross national product. That is the real way to attack the problem."

POINT OF INQUIRY

Senator Hughes: "Senator Quigg, I hope I didn't misinterpret your words when I heard the word 'thievery,' and 'robbing the poor.'

"As you well know, President Reagan took a Carter budget and added an additional \$30 billion dollars . . . deficit.

"Are you stating that you believe that President Reagan whose fiscally conservative stature, I think is well recognized, is the leader of this operation; or is it perhaps when an individual gets in a position of recognizing the tremendous crisis that this country faced in the area of military weakness? I think we have already seen some positive results from just a suggestion of increased military spending; the Soviets seem very willing to address us."

Senator Clarke: "Well the Senator was asking to yield to a question; it sounds to me like he is making a speech, and with all due regard, the question and answer goes into our journal; others do not. And I would suggest, Senator, that you withdraw your request for a question and then go ahead and make whatever remarks you want to, but I don't think it should be in the journal."

Senator Hughes: "What if I just wrap up the question which I believe is a question, not a speech?"

"Senator Quigg, do you believe that the President of the United States is adding to this deficit or is there some reason that he has added to the national debt?"

Senator Quigg: "Senator Hughes, my remarks as they relate to the recent election, I think if you remember my remarks they were that Washington is following a trend in a way of thinking that this country is developing once again in leading Washington on. I realize that the new administration, a lot of the new folks back there are not going to take the helm of the ship of state and then put it over so hard that they are going to capsize it.

"But I do think they are hearing this message, a message that was sent out loud and clear that recent election, and a message that comes through loud and clear with the measure we have before us.

"So I think it's a reasonable change in course; it's a major one, it's a half century ago in the other way, and it's a half century that's cost the individual and institutions in this country horribly. Deep, personal, individual losses and I am not talking about dollars and cents, I'm just talking about the ability to get by. Every time you get a little closer to the goal line, somebody moves it back on you; and they do it in some awfully insidious ways.

"This says 'enough is too much.'"

Senator Fleming: "Mr. President and members of the Senate.

"I sit here and listen to this rhetoric long enough without saying anything.

"Let's face the fact whether it's a balanced budget or whether, what's going on in this nation. We do have some deep problems. We have some problems that we cannot solve with the quick-fix solution. Those people that were elected last November, all the way from the top, from the White House down to the state house are beginning to realize that there's no quick fix.

"And for us to continue to try to do this with rhetoric, do this with the electronic media, I think we are fooling ourselves.

"One of the most dangerous things that is happening in this nation at this point in time, and it ties closely with what you are talking about on this Federal budget without joining in the right manner; and that is, in times of crisis in years before now this nation has stood up and been counted. This nation had looked at what happened and we tried to resolve it in an appropriate manner; namely, one of the things that had happened in the past we tried to root out the evil. We tried to say 'Yes, we've got problems, we've looked at the haves; they have not paid their fair share, let's see if we can get them to pay a little more, to try to resolve our problem.'

"For some reason or other through the mass media and through a quick-fix idea, we have, all of a sudden now, come to certain phenomenon where the beginning of the frustration of not going upward, of not going upward, beginning of the frustration of beginning to go downward, and we've got to change that. We can't do it with rhetoric.

"So I suggest to you that even though you are talking about a Federal budget, you are not talking about the economy as a whole; I think it all ties in, and I think what we're going here is not the way to do it and if you wanted to do it, you could send your message back there and I think if, in fact, they heard, Senators, what the message is from the people, then I think that message alone would be sufficient."

Senator Hansen: "Mr. President, I have sat here and listened to all this rhetoric; I think it's time to call for the question."

President Cherberg: "Do you move the previous question, Senator Hansen?"

Senators Hansen, Quigg and Jones demanded the previous question and the demand was sustained.

Senator McDermott: "Pursuant to the rules, I believe on my amendment I can close argument."

President Cherberg: "Unless the previous question has been determined."

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger to page 2, line 18.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Vognild, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—26.

Excused: Senator Talmadge—1.

President Cherberg: "Further amendments."

Senate Amendment to Senate Joint Memorial No. 105 by Senators Gaspard, Goltz and Haley:

On page 3, after line 10, insert "AND BE IT FURTHER RESOLVED, That this memorial shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof;"

President Cherberg: "Senator Gaspard."

Senator Gaspard: "Mr. President, I move the adoption of the amendment."

"Mr. President and members of the Senate."

"I think through the debate we have come to realize that the uncertainties of a constitutional convention are enormous. They come to realize that even the best of our constitutional scholars are undecided and divided on the issue of whether or not a constitutional convention can be limited in scope."

"This memorial is a threat and history has indicated to us that actions in response to threats like this, are later regretted. We all believe in participatory democracy or we wouldn't be here. I think that maybe we should consult the people of the state of Washington on this measure. How many of the constituents of your legislative district know of or even understand the consequences of a call for a constitutional convention? This memorial will have far-reaching and enormous effects on the people of this state, more so than the effects it will have on this legislature."

"If this memorial is so important to us, then I think that it's time that we let the citizens of this state have their say. And as Senator Hemstad said before, we should start a national debate on this memorial, on this issue, then I say let's start the national debate here in the state of Washington."

Senator Hurley: "Mr. President and members of the Senate."

"I believe this amendment is redundant and unnecessary. The people of this state, I hope, are going to get a chance to vote on this as time goes by, and I hope not too much time goes by."

"I think this amendment would be delaying, because we wouldn't be able to count our state until after the people would approve this memorial in the next election."

"In all the history of my experience, I've never seen a memorial presented to the people for their ratification. After all, a memorial is kind of a 'wish list.' We tell Congress 'We wish that you would do this, please,' and to put this wish in front of the people is just a little peculiar. It has another amusing quality to it and that is, to place it in front of the people would probably be assured of passage, resoundingly. That might be one way for sure to get it passed, for that matter."

"The people in my area have been telling me and some of the rest of us from Spokane, 'We are just a little bit worried about what the state has been doing about its spending,' and they have been appealing to us for a number of years to quit the spending and to try to control the tax situation and this year, for the first time, we are making a serious effort to do this.

"The only thing I have against this amendment is that it would be delaying. I think the results would be astounding and amusing and delightful."

Senator Clarke: "Thank you, Mr. President. Joining with Senator Hurley, I can't but think that the motivation for this amendment has some question as to sincerity. I think time is of the essence. . . ."

President Cherberg: "For what purpose does Senator Gaspard rise?"

IMPUGNING MOTIVES

Senator Gaspard: "Mr. President, I believe he is violating the rules of this body. I think he is impugning my motives for offering this amendment."

Senator Clarke: "I am questioning the motivation and I think that's a matter of proper debate. An amendment . . ."

President Cherberg: "Senator Gaspard."

Senator Gaspard: "Will you please rule on the rules before the Senate whether Senator Clarke is out of order?"

Senator Goltz: "I would like to raise the same point of order and request you rule on that, also."

SPEAKING TO POINT OF ORDER

Senator Clarke: "Speaking to the point of order, Mr. President, I think one of the proper questions for debate is that quite often amendments are put up for the purpose of delay or other than the exclusive purpose of the merits of the amendment, and I think that there is no impugning or no intent to impugn by suggesting in the course of argument, that one of the motivations for the placing of an amendment might be that of delay."

Senator Goltz: "Mr. President, to help you rule on my point of order, I want to assure Senator Clarke my intent, my motivation is not to delay."

Senator Gaspard: "I would wish to assure that too, and I still think that Senator Clarke is out of order."

Senator Clarke: "I withdraw the statement in order that the President not be called upon to rule."

President Cherberg: "Is there any objection to Senator Clarke's proposal?"

"Hearing no objections, the remarks are withdrawn."

Senator Clarke: "Thank you."

"What I wish to state is that I personally have no question whatsoever as to what the vote would be in the event that this were referred to the people. And I think that they have already, rather plainly expressed that, in the last election. They have evidenced an extreme concern with the balancing of the Federal budget. And time is of the essence so that regardless of the intent or motivation, the sole effect of the adoption of this amendment if passed, would, in substance be a delay. And it is important that this matter be gotten to Congress at the earliest possible moment.

"So for that reason I speak against the amendment."

Senator Goltz: "Mr. President, members of the Senate.

"I had not intended to speak on this amendment or on this memorial but I do think there are two issues in the memorial; one issue is the balancing of the Federal budget, and as I say, I've heard it said in this body today and I've said it myself, I think there is no greater objective that the Congress of the United States should

have then to balance the Federal budget. I think we all know what the problems of an unbalanced budget cause.

"The other issue in this memorial is the issue of a constitutional convention and I think here the people of the state of Washington and I think we should have serious concerns about whether or not a Federally called constitutional convention will deal with that issue and that issue alone, or whether we will put this nation through a wringer of trying to repeal the bill of rights or other parts of that Constitution.

"So I think the people have a great faith in this and I would urge that we refer this to the people so that between now and election time, we can debate within this state the meaning of this memorial."

Senator McDermott: "Mr. President, in response to Senator Clarke, I think there is one other reason for considering this amendment and supporting it, and that is that we want our government to be deliberative. People voted in November for a new government; they elected a new President, they elected a Republican Senate, they have changed this state's government, but they do not know what the effects of that will be. And before they call for a balanced budget or call for a constitutional convention for that purpose, they ought to have the opportunity to see what a balanced budget really means for this country.

"It's very simple with slick phrases and good advertising, to convince people that they ought to buy more Coca Cola or something else; but until they have the actual experience or living with the effects of what Mr. Reagan's economic policies mean to this country, I think they ought to have a little bit of time to look at that; then they can decide whether they think a balanced budget is really what they want.

"I think that that is the reason, at least in a democracy we believe that there's no harm in discussion. We believe that that's the way it ought to be determined, not to railroad it through without people really understanding what they're buying."

Senator Newhouse: "Mr. President, ladies and gentlemen.

"I am going to vote for this amendment. I don't think any other way would we have got your agreement to submit this idea to the people of the state so they can express their opinions. I have no doubt as to how they are going to vote. I think it's a great idea. I think the effect of the resolution will have been carried by passing both Houses and putting this amendment on is just an added emphasis by the people of the state to the Congress which will come along later."

Senator Fleming demanded a roll call and the demand was sustained.

Senator Lysen: "I'd like to just express, join with Senator Newhouse in this amendment and say that I think it's an excellent idea. I am a sponsor of this resolution but to have a full-fledged public debate as we go into an unprecedented step in over two hundred years, or almost two hundred years, would be a very healthy thing; and I think some of the concerns that people have about a balanced budget are very legitimate and I think my own party has to stand up to this, that the Roosevelt coalition, the idea of Keynesian economics and pump priming has been carried too far. We've got to get back on course here and it's a threat, primarily a threat to working people, that their money no longer has any purchasing power and the goods that they have to buy are beyond their grasp.

"So I think a full-fledged public debate on this would be excellent, being back to the responsible course of action here."

Senator Quigg: "Mr. President, members of the Senate.

"Just following up a little bit on some of the figures that Senator Rasmussen mentioned earlier. While we've been about this, the interest on the debt . . . about \$123 million, around \$3 billion dollars a day. The delay of this, of course, has substantial implications when you figure the money in that magnitude."

Senator Hurley: "Mr. President and members of the Senate.

"Although I am going to vote 'no' against this amendment because I believe that no amendment should be attached to this memorial, I'm really afraid that it

might endanger the passage because it would be attached as it goes to Congress whether that makes any effect or not I wouldn't want it to be endangered.

"But I'd like to make the comment that by fall, most of the people in the state will be pretty aware of the situation the state of Washington is in in regard to its debt in relation to the Washington Public Power Supply System endearingly known as 'Woops' [WPPSS], and with all the letters going out in explanation of how we got into this mess, what it is going to mean to the rate payers, how it's going to be a debt on them for the next thirty years, what happened to the management anyway? I think they'll be pretty likely to vote in droves, probably fight their way to the polls, to vote 'yes' on this because I think next fall they are going to be just a little bit more aware of what debt is all about."

Senator Fleming: "Mr. President, just speaking briefly to what Senator Hurley said, I would be glad to put WPPSS right on, on the ballot right next to this.

"But secondly, I would like to just ask Senator Quigg, I am not sure on this last amendment, was he speaking for the amendment or against the amendment? He did not indicate."

Senator Quigg: "In answer to Senator Fleming's inquiry, the amendment had a delaying effect that I just wanted to let the body realize the impact of that delay, and that is why I will be opposing the amendment; in fact, the last little discussion has been worth about \$2 billion dollars; we probably ought to get on with it."

Senator Metcalf: "Speaking against the amendment, just one point that I'm not sure. I did not realize this until I checked on it. I believe that any referendum that we submit to the voters would not go on the ballot this fall, I think it would be November 1982; and perhaps we should have that checked out, but I believe that that is true; so we'd be delaying it more than a year."

Senator Pullen: "Thank you, Mr. President and members of the Senate.

"It would go on this year's ballot, I am quite certain of that, so there's some degree of timing is there, but I just wanted to point out another objection that I wanted to bring out.

"We can refer anything to the people and this sounds democratic to do so, but we have to remember that every ballot issue that goes on the ballot, costs money, a great deal of money; in fact the cost now is in five figures, six figures, it's over a hundred thousand now.

"So at a time when our budget is what it is, I don't, myself, want to submit anything to the people that we don't absolutely have to, some referendums we have to submit to the people, some constitutional amendments, initiatives are out of our hands. But this is not out of our hands and a vote to submit this to the people, and if it goes to the people, according to figures that the secretary of state's office has given us, the cost of a constitutional amendment which has requirements on it to publish it in every legal newspaper in the state and many other requirements associated with alerting the people as to what's on the ballot, this particular referendum to put this constitutional convention to the people, will cost in six figures, about a hundred thousand dollars; and in a normal year when budget is not so tight, maybe we ought to do it; but budget is just too tight this year."

Senator Goltz: "Mr. President, I request a roll call."

President Cherberg: "A roll call has already been sustained."

POINT OF INQUIRY

Senator Fleming: "Quick question. Senator Pullen, am I to understand that you indicated that your, in your opinion and your feelings and your actions are such that you would not like to offer a referendum to a measure that did not necessarily have to go to the people? Is that what you said? Or that you have not done that in the past and you will not do that in the future?"

Senator Pullen: "No, Senator Fleming. Of course it's important to pick and choose and in the past, I have supported such referenda causes, and in the future I will also, I am certain.

"But I am pointing out that this is a very tight year, budgetwise, and I think we should be very cautious about submitting something to the people in a year where money is so tight when we don't have to do so and when we can be almost certain that the people are going to vote for it in any event."

Senator Fleming: "Senator Pullen, one last question.

"I think the last biennium was a tight year, this is a tight year, and am I to understand that you will not be offering any referendums this year?"

Senator Pullen: "I doubt it very seriously."

Senator Gaspard: "Mr. President, members of the Senate.

"I'd like to make a couple of points. First of all, this is a little bit more than a 'wish list.' I guess if we don't get it, we've got a hammer to go along with it.

"I really would question why we aren't supporting this. What do we have to fear? The people? I think the people's judgment has been quite good in the past and I expect it to continue to be so. I think the real benefit of this amendment will allow the people to participate and to understand two questions: A constitutional convention, and a balanced budget.

"I am very fearful, and I hope it doesn't happen, but I think they'll have something far more on their minds other than inflation. They'll be concerned about unemployment."

The President declared the question before the Senate to be the roll call on the amendment by Senators Gaspard, Goltz and Haley to page 3, line 10.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Shinpoch, von Reichbauer, Williams, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Pullen, Quigg, Scott, Sellar, Talley, Vognild, Zimmerman—21.

Excused: Senator Talmadge—1.

Senator Clarke: "I move that the rules be suspended and that SJM 105 be advanced to second reading; second reading be considered the third, and the same be placed on final passage.

"Thank you. I hope that the issue has been thoroughly explored."

Senator Bottiger: "Mr. President, I think, over the course of this session, I will be reminding you of, as we bring out bond issues and proposals for fish hatcheries and all of the rest of the things, that you should apply the same test to yourselves as you are expecting Congress to apply to them. There is no logical difference between a capital budget and bonded debt for us as there is for the, the way this is written; now you could have amended that to allow some compromise within a 'balanced Federal budget' — you chose not to do it.

"And so as the highway bonds come out and the fish hatchery bonds come out, I may point out your inconsistencies."

POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, did you intend to include the WPPSS' bond in this concern that we have been talking about the last two years?"

Senator Bottiger: "No, Senator Lysen, I don't. You see, I understand that the spreading of the costs over the lifetime period of the particular article you are buying, whether it be a school building or a railroad bridge or a transit system or a Kingdome, I understand that. I think the same thing applies when you put in a cruise missile system or buy a Boeing series of airplanes or a battleship or something of that nature, that that cost ought to spread over the lifetime of the article. That is only good, sound fiscal management."

Senator Deccio: "Thank you, Mr. President. Responding to Senator Bottiger's comment, 'spread it out over the life of the project,' in the case of WPPSS nobody lives that long."

Senator Hurley: "I guess I'm one that thinks that maybe there are a couple of things that I could add to the argument today."

"I do feel that this memorial has been one of the most important things that we will have considered during this session. We have a Federal debt that is completely out of control. It took one hundred and seventy-three years from 1789 to 1962 for the Federal budget to reach one hundred billion dollars; and it took only nine more years after that to double that budget. This year the Federal budget is six times bigger than it was in 1962, and it just seems that with the Federal debt at \$900 billion dollars and \$60 million to be paid on the interest by the taxpayers, it seems to me that it's too bad to have a delay. We ought to place this before Congress immediately."

"The polls, the national polls, indicate there is strong support throughout the nation for this amendment. The 1979 Gallup poll, which was conducted on a national basis, found that 84% favor, if there is a provision for a national emergency, and there is, and only 5% opposed this type of amendment."

"I think our passage of this amendment would urge the beginning of responsibility to Congress; and I hope that you will pass it."

Senator Metcalf: "Thank you, Mr. President, members of the Senate."

"Much of the debate against this measure which took place during the amendments, missed the point; you've said 'All we need to do is send the message to Congress.' The fact is, this has been used to defend the irresponsible spending for years; we've been sending messages in one way or another and it hasn't worked; they continue to overspend and just print the money to make up the difference."

"I take issue with Senator Bottiger because he talks about some of the borrowing that we do; they don't borrow money, we haven't even had enough courage there, to cover, to pay the interest on the debt. We create the money to pay the interest on the debt even. We're dropping about a billion a week, Federal government going into debt about a billion a week, little more, little less, depending on the year. And how is that debt, it isn't borrowed money; it's basically created money and that's what we are trying to get at. The economic survival of this nation depends upon getting that shop there in order and this is the best thing that the state legislature can do to help them get control of an uncontrollable situation."

Senator Scott: "Mr. President, do you, too, believe that the issue has been fully explored?"

Senator Hayner: "Mr. President, ladies and gentlemen."

"It's inconceivable to me that anyone on the floor of this Senate would vote 'no' on this bill. I can remember very well in 1973 when we were considering the equal rights amendment and many of us voted for that for one reason, not because we were so entranced by that particular amendment, but because in the fall election just previous to that, we had had a state equal rights amendment; and we could see exactly what our people thought, in our various districts, and I know that was the controlling reason why I voted for it because in my district, 51% voted for the state equal rights amendment."

"Now we have had all kinds of polls in this country over the last few years; we've had Gallup polls, we've had New York Times polls, we've had CBS' polls, on and on, to see what the people felt about a balanced Federal budget. And in one of the Gallup polls of so-called 'informed' individuals, that is, those who had heard of this issue or had read about it and knew something about it, 75% of them said 'This was absolutely essential.' And in every poll, every poll taken, 67%, over 67% said 'Yes.'

"Now it seems to me this is a mandate to us. We often have to vote according to our conscience or according to our intelligence because we don't know how the people at home feel, or we don't know how the people in the country, as a whole, feel. But on this issue we do know; it's been made very clear to us.

"And I would like to know where we would be today if we didn't have a requirement for a balanced budget in this state. I think it would be a very serious matter.

"And I want to address one more thing. The statement has been made around these halls that President Reagan does not support the Federal balanced-budget amendment; so I made a call to the White House this morning because I wasn't absolutely sure. I didn't get through to the President but Congressman Dick Lugar of Indiana did call—Senator. And he is very close to the President and has been very interested in this issue. He said they are very interested in who is trying to sabotage or cause this embarrassment, that President Reagan's stand is that he definitely favors the amendment to the Constitution. If anything has ever been said, he feels it was that the President does not feel it appropriate to interfere in the advocacy of the passage of the petition because it is a state project—states' rights, and I certainly admire him for that.

"But the message came through very loud and clear, he definitely is in favor of the amendment to the Constitution."

Senator Hughes: Mr. President, there's an old proverb that 'Actions speak louder than words.' The facts are the President added to the national debt, \$30 billion dollars more than the previous administration.

"I think I can now support this measure because we are putting it to the people and I would suggest that the great poll is the ballot box. I've seen many polls that have indicated one thing, but when the people voted, the results were very different. I am very confident we'll have an open discussion of this issue, and perhaps some of the myths that have been presented that this is a revenue-controlling measure which it isn't; that this is something that could be put into action right now which I doubt; and that this really serves the interest of the poor, and perhaps the greatest myth of all, that government is the sole source of inflation. That myth just seems to be dominant in this body today. We'll find out there are many other sources of inflation not connected with the government.

"So let's present it to the people. Let's give the people the opportunity to listen to this issue and vote on it. I feel very confident that this is the proper way to go."

Senator Bottiger: "Mr. President, members of the Senate.

"Senator Hayner, it was Mr. Regan who is the Secretary of the Treasury, that indicated that the proposed constitutional amendment as written, would cause a fiscal disaster to the Federal government; and I rely on his expertise.

"The problem of Federal spending is real; and I don't think there's anybody on this floor that is advocating the continuation of the present Federal fiscal spending policy. That isn't the point; the point is as you wrote this constitutional amendment, you have created a bottleneck; you have created a literal disaster if the thing ever gets adopted. And that's where the opposition is coming from. Had this been a memorial to Congress urging them to balance the budget, it would have passed with forty-nine votes. . . . that isn't what this is and that's the concern that's being expressed here."

Senator Ridder: "Mr. President, Senator Hayner, in her opening remarks indicated it was inconceivable to her that anyone would now vote against this. I would simply say that referring bad legislation to the people does not make it good legislation. I opposed it in the first place, you have two things here together that I consider are not appropriate and I will continue to vote against it."

President Cherberg: "The Secretary will please call the roll on the final passage of Senate Joint Memorial No. 105."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 105 and the memorial passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Bottiger, Charnley, Fleming, Gould, Haley, Hemstad, McDermott, Peterson, Ridder, Williams—10.

Excused: Senator Talmadge—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 105, having received the constitutional majority, was declared passed.

MOTION

Senator Clarke: "I move that Senate Joint Memorial 105 be immediately transmitted to the House."

President Cherberg: "If there is no objection, the measure will be immediately transmitted to the House."

MOTION FOR RECONSIDERATION

On motion of Senator Sellar, prior notice having been given by Senator McDermott, the Senate moved to reconsider the vote by which Substitute Senate Bill No. 3237, authorizing university tuition and fee exemptions for students receiving athletic scholarships, failed to pass the Senate on March 4, 1981.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Patterson, you and I had a discussion about tuition. I expressed by concern that the tuition-paying student is going to be paying on the basis of a percentage of cost.

"My concern was that the loss of revenue potential from this bill would increase the overall cost and thus increase the percentage that the tuition-paying student would pay.

"I believe that you had an answer for me."

Senator Patterson: "Senator Vognild, in response to your question, this is a waiver bill, a waiver of tuition and fees that would apply to the title 9, the women's athletic program. So it is money that you do not collect and it would not impact an increase in the tuition and fees."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3237, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3237, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 28; nays, 18; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Jones, McDermott, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Talley, Vognild, von Reichbauer, Woody, Zimmerman—28.

Voting nay: Senators Benitz, Craswell, Deccio, Haley, Hemstad, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Pullen, Quigg, Sellar, Williams, Wilson, Wojahn—18.

Absent or not voting: Senators Scott, Shinpoch—2.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3237, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having given prior notice, Senator Gaspard moved the Senate reconsider the vote by which Senate Bill No. 3252, requiring approval and use of child safety restraints in vehicles, failed to pass the Senate on March 3, 1981.

Senator Fleming demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Ridder, Senator Shinpoch was excused.

On motion of Senator Bluechel, Senator Scott was excused.

POINT OF INQUIRY

Senator Fleming: "Senator Charnley, I know it's not necessary but I think it might be in order, is there some particular reason that we are reconsidering this? Are we going to just reconsider the vote as the bill is, or are we going to try to move it back to second reading and put some kind of amendment on there or just what, if it's in order?"

Senator Charnley: "Thank you, Senator Fleming. Yes, we hope that the body will support the move to reconsider and then we will ask to have the bill moved to second reading for the purpose of amendment.

"Appreciate your support."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate reconsider the vote by which the Senate failed to pass Senate Bill No. 3252 on March 3, 1981.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Patterson, Peterson, Pullen, Rasmussen, Ridder, Talley, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—31.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Guess, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Quigg, Sellar, von Reichbauer—15.

Excused: Senators Scott, Shinpoch, Talmadge—3.

SENATE BILL NO. 3252, on reconsideration, is now on final passage.

MOTION

At 1:13 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Friday, March 6, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 6, 1981.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Talmadge and Wojahn. On motion of Senator Ridder, Senators Talmadge and Wojahn were excused.

The Color Guard, consisting of Pages Jill Lindberg and Kim Turner, presented the Colors. Reverend Wallace L. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 6, 1981:

McDermott amend to EHB 604: Aye

Final passage EHB 604: Aye

Deccio/Hansen Amend to SB 3007: No

Final passage ESB 3007: Aye

Final passage SSB 3034: Aye

Final passage SSB 3545: Aye

Confirmation Karen Rahm, Director, Planning & Community Affairs Agency:

Aye

REPORTS OF STANDING COMMITTEES

March 5, 1981.

SENATE BILL NO. 3215, authorizing the revaluation and relisting of property in a disaster area (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 3255, clarifying the law regulating carrying concealed weapons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 3386, authorizing legislative review of agency rules by a joint select committee with power to suspend (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3386 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1981.

SENATE BILL NO. 3557, an act relating to salmon management (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3557 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3586, revising salmon enhancement program (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Lysen, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 3886, implementing law relating to the Washington health care facilities authority (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 3961, extending authority of port districts to operate rail lines (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 3961 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 4199, establishing the Frances Haddon Morgan Children's Center as a state residential school (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 4327, authorizing the department of social and health services to establish fee schedules for certain services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 6, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 3041, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 5, 1981.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 604, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 4363, by Senators Shinpoch and Scott:

AN ACT Relating to state funds; amending section 16, chapter 3, Laws of 1981 and RCW 43.____; amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 43.84.090; amending section 43.79.330, chapter 8, Laws of 1965 as last amended by section 3, chapter 32, Laws of 1980 and RCW 43.79.330; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

FIRST READING OF HOUSE BILL

ENGROSSED HOUSE BILL NO. 604, by Committee on Ways and Means and Representatives Chandler, Wang, Granlund, Galloway and Rust:

Modifying provisions relating to public assistance.

MOTIONS

On motion of Senator Hayner, the rules were suspended, Engrossed House Bill No. 604 was advanced to the second reading calendar for immediate consideration by the whole Senate.

The bill was read the second time by sections.

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 1, line 9, after "assistance" insert "1" and at the beginning of line 10, strike "and"

On page 1, line 17 after "1981," insert "(c) unemployable persons who are not eligible for general assistance pursuant to the standards adopted in Substitute House Bill No. 245, chapter ___, Laws of 1981,"

On page 2, line 20, strike "two hundred sixty thousand" and insert "one million four hundred and twenty thousand"

POINT OF INFORMATION

President Cherberg: "For what purpose does Senator Scott rise?"

POINT OF ORDER

Senator Scott: "I would raise the question of scope and object on the amendment. We are talking about AFDC as well as an appropriation change which is beyond the scope of the bill which has to do with nursing home patients only."

At 11:18 a.m., the President declared the Senate to be at ease.

At 11:43 a.m., the President called the Senate to order.

REMARKS BY THE PRESIDENT

President Cherberg: "Prior to ruling upon the point of order presented by Senator Scott, the President erred in not permitting Senator McDermott to speak upon the amendment prior to the raising of the point of order. Senator McDermott."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Scott, the President finds that House Bill 604 is a measure which relates to state funded medical services.

"The amendment proposed by Senator McDermott simply adds an additional group of people that will be eligible for state funded medical services.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendments by Senator McDermott were ruled to be in order.

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senators Talmadge, Wojahn—2.

Senator McDermott moved adoption of the following amendment:

On page 2, beginning on line 17, insert the following:

"**NEW SECTION.** Sec. 2. State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46 RCW, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

Renumber the remaining sections accordingly.

Senator Fleming moved adoption of the following amendment to the amendment by Senator McDermott:

After the last line of the McDermott amendment to page 2, beginning on line 17, add "This shall take effect on July 1, 1982."

Debate ensued.

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the question of scope and object on this amendment."

President Cherberg: "On the amendment to the amendment?"

Senator Hayner: "No, the amendment."

President Cherberg: "Action has to be taken on the adoption of the amendment to the amendment, Senator Hayner, and after that action, then the President shall recognize you or Senator Scott or anyone to raise the point."

"The President wishes to clarify that a point of order relating to scope and object may be raised at any time during the discussion of an amendment."

The motion by Senator Fleming failed and the amendment to the amendment was not adopted on a rising vote.

POINT OF ORDER

Senator Hayner: "Mr. President, I now raise the question of scope and object and I'd like to speak to that."

"I believe that Senator McDermott has made it quite clear that the issue here is entirely different from the basic issue of the bill which is to cover these families on medical-only people in the nursing homes."

"This raises the question of whether we should be charging private patients the same amount as public patients and I think that's a real issue that we need to address ourselves to; but it certainly does not fit under this bill."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Hayner, the President finds that the amendment proposed by Senator McDermott to House Bill 604 adds an entirely new section to the bill which places a restriction on how nursing homes are to charge their private patients."

"The President therefore rules that the proposed amendment does expand the scope and object of the bill and the Point of Order is well taken."

The amendment by Senator McDermott was ruled out of order.

On motion of Senator Hayner, the rules were suspended, Engrossed House Bill No. 604 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Mr. President, I rise to support this bill although I would like to ask Senator Scott a question, and that is, where would the money come from."

"We have been hearing that there is no end of the shortage and all of a sudden we have money for this supplemental and now a third one is coming for corrections and for a variety of other places; and I would appreciate your telling us where the money is coming from."

Senator Scott: "Senator, now that the administration has changed, the economy is improving every day."

POINT OF INQUIRY

Senator Moore: "Mr. President, I would like to ask if Senator Deccio would yield to a question, but I don't see him on the floor. I'm sure this is unprecedented."

President Cherberg: "Senator Deccio yield to a question?"

Senator Moore: "Senator Deccio, I just inquired if you would yield to a question?"

Senator Deccio declined to yield.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 604, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—47.

Excused: Senators Talmadge, Wojahn—2.

ENGROSSED HOUSE BILL NO. 604, 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 Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 9, 1981.

SECOND READING

SENATE BILL NO. 3007, by Senators Hansen, Guess and Hughes:

Regulating private family day care homes.

The Senate resumed consideration of Senate Bill No. 3007. On March 4, 1981, an amendment by Senators Deccio and Hansen was moved for adoption. On motion of Senator Shinpoch, the measure was held for further consideration at a later time.

Following is the amendment moved for adoption on March 4, 1981 by Senator Deccio:

On page 4, line 7, after "provider" beginning with "inspection" strike everything down to and including "hazards." on line 10 and insert "an annual inspection of family day-care homes for the sole purpose of insuring compliance with the requirements of RCW 48.48.140."

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Deccio and Hansen.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman—25.

Voting nay: Senators Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McDermott, Peterson, Pullen, Ridder, Scott, Shinpoch, Talley, Vognild, Williams, Wilson—22.

Excused: Senators Talmadge, Wojahn—2.

On motion of Senator Deccio, the following amendment by Senators Deccio and Hansen was adopted:

On page 4, after line 26, insert the following:

"Sec. 5. Section 1, chapter 50, Laws of 1980 and RCW 48.48.140 are each amended to read as follows:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981;
(or)

(b) Built or manufactured in this state after December 31, 1980; or

(c) Used as private family day-care homes as defined in RCW 74.15.020.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.04 RCW, rules and regulations promulgated by the state fire marshal.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than fifty dollars.

(5) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation."

Re-number remaining section consecutively and correct any internal references accordingly.

Senator Kiskaddon moved adoption of the following amendment by Senators Kiskaddon and Gould:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. The legislature recognizes the importance of quality day care to the people of the state of Washington. It is the purpose of this legislation to develop a system where family day care homes can be regulated by both the care providers and the parents with minimum interference by the state. The system is designed to have both the parents and the care providers develop standards for regulation thus increasing the care providers' compliance with the registration standards and the parents' responsibility for monitoring both the quality of care and compliance with the standards. The system is also designed to help parents locate qualified family day care homes by increasing the number of registered family day care homes.

NEW SECTION. Sec. 2. The day care home registration system shall be conducted in departmental regions throughout the state. Not later than March 1, 1982, the department shall suspend the license requirements of chapter 388-73 WAC that apply to mini day care programs operated in the provider's residence and family day care homes in regions east of the Cascade crest after the standards are developed

and rules adopted under section 6 of this act. Not later than September 1, 1982, the department shall repeal any rules in conflict with this section and sections 3 through 8 of this act.

NEW SECTION. Sec. 3. The department shall coordinate and administer the family day care home registration system through the central office staff. Department personnel currently responsible for licensing family day care homes are responsible for family day care home registration under the system. The department shall provide staff and office support for the system within existing staffing levels.

NEW SECTION. Sec. 4. (1) Family day care home advisory committees are created, one in each departmental region. Social services supervisors employed by the department appointed by the secretary shall serve the committees. The other members of each committee shall be appointed by the governor as follows:

(a) Three members shall be parents who have children in family day care homes from each departmental region;

(b) Two members shall be operators of family day care homes;

(c) One member shall be a person with recognized expertise in the field of child care who is neither a provider or consumer of family day care services; and

(d) One member shall be a departmental employee representing the departmental region.

The department of social and health services shall establish the length of the terms served by the members. Vacancies shall be filled in the same manner as the original appointments were made.

(2) The chairperson shall be selected from the members of each committee by a majority vote of the members of each committee.

(3) The departmental employees shall receive no additional compensation for serving on the committees. Other members of the committees shall serve without compensation but shall be reimbursed for travel expenses in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 5. The family day care home advisory committees shall meet at least bimonthly in their own regions. Two representatives from each committee shall meet semiannually or more often if deemed necessary by the secretary as a joint committee. Meetings shall be open to the public.

NEW SECTION. Sec. 6. (1) The committees shall make recommendations for rules for obtaining family day care home registration certificates and other rules for registration of family day care homes by August 1, 1981, to the joint committee. The family day care home advisory joint committee shall recommend these rules by September 1, 1981, to the department. The department shall give great weight to the recommended rules of the joint committee in adopting the rules. The department shall report to the committee on social and health services in the senate and the committee on human services in the house of representatives and to the family day care home advisory joint committee as to any variances between the rules proposed by the family day care home advisory joint committee and the rules which the department intends to adopt. The report shall contain a discussion of the reasons for all such variances. The family day care home advisory joint committee shall report to the committee on social and health services in the senate and the committee on human services in the house of representatives their responses to any variances between the rules proposed by the family day care home advisory joint committee and the rules which the department intends to adopt. A copy of such response shall also be provided to the department. The department shall have the proposed rules published in the Washington state register not later than October 1, 1981, and the rules shall be adopted not later than February 1, 1982.

(2) The rules shall include:

(a) Minimum fire, health, and safety requirements;

(b) Definition of the roles and responsibilities of consumers, providers, and the department in the registration of family day care homes;

(c) Procedures for granting exceptions to the standards;

(d) Procedures for providing sanctions for noncompliance including suspending or revoking registration certificates; and

(e) Procedures for insuring before registration that the applicant has not been convicted of child abuse or any other crime involving physical harm to another person or been a perpetrator of substantiated child abuse.

(3) The department shall review the rules periodically.

(4) The family day care home advisory joint committee shall develop a pamphlet containing the rules and application procedures for a registration certificate. When a child is enrolled in a registered family day care home or upon registration of a family day care home, care providers shall distribute copies of the rules including notification of parental roles.

(5) The department shall inform and educate the public about family day care home registration, the standards as prescribed by rule, and family and provider roles in insuring that these standards are met. The department shall publish the pamphlet containing the rules and application procedures for a registration certificate and shall provide a list of registered family day care homes in each region and make copies of the list available to parents seeking day care services.

NEW SECTION. Sec. 7. The family day care home account is created in the general fund. The funds in the account shall be used only for the purposes of carrying out the family day care home registration program after appropriation by the legislature.

NEW SECTION. Sec. 8. (1) The department shall establish a process for providing for family day care home registration certificate applications.

(2) The department shall issue registration certificates to family day care home operators upon receipt of a ten dollar fee and approval of a properly completed application form. The registration certificates shall be renewed every twenty-four months upon receipt of a ten dollar fee and approval of a properly completed renewal application form. The department shall transmit all fees to the state treasurer for deposit in the family day care home account in the general fund. The application and renewal application forms shall contain the operator's notarized statement that the family day care home currently complies with the applicable rules of the department and will continue to comply with those rules. The department is not required to inspect a home before issuing a registration certificate.

(3) The department shall select on a random basis at least three percent of the registered family day care homes in each departmental region to be inspected annually for compliance with sections 2 through 8 of this act and the rules adopted by the department.

(4) The department shall respond to complaints against the provider from any source regarding noncompliance with the rules for registered family day care homes within a reasonable time and may conduct inspections investigating the complaints.

(5) The department may suspend or revoke a registration certificate upon a finding of noncompliance as a contested case under the administrative procedure act, chapter 34.04 RCW, and rules adopted by the department. The department may suspend a license on an emergency basis for a period not to exceed twenty days if proceedings for a hearing as a contested case are started and if the children's safety is endangered.

NEW SECTION. Sec. 9. The department, after consulting with the family day care home advisory joint committee, shall make a report to the social and health services committee of the senate and the human services committee of the house of representatives by the first day of the legislative session in 1983. A comparative study of the effectiveness of the registration program and the licensing program shall

be included in the report. The report shall also contain specific information, including but not limited to, the number of registered family day care homes, the number of homes studied, the number and type of complaints, the number of children served, and the number of and reasons for suspensions and revocations of registration certificates.

NEW SECTION. Sec. 10. If any part of sections 2 through 8 of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of sections 2 through 8 of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of sections 2 through 8 of this act in its application to the agencies concerned.

Sec. 11. Section 2, chapter 172, Laws of 1967 as last amended by section 83, chapter 155, Laws of 1979 and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or developmentally disabled persons for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or developmentally disabled persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or developmentally disabled persons for services rendered:

(a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day care home" means a home which regularly provides care during part of the twenty-four hour day to twelve or fewer children who are not all members of the same household in the family abode of the person or persons under whose direct care and supervision the child or children are placed;

(f) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed; and

((f)) (g) "Crisis residential center" means an agency which is a temporary protective residential facility operated by the department to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or developmentally disabled persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or developmentally disabled persons;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

((†)) (5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

Sec. 12. Section 3, chapter 172, Laws of 1967 as last amended by section 1, chapter 125, Laws of 1980 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the (~~child welfare and day care~~) children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In investigating the character of an agency and the persons employed by or under contract to an agency, the secretary may have access to conviction records or pending charges of the agencies and its staff. The secretary shall use the information solely for the purpose of

determining eligibility for a license or registration and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(6) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the ~~((child welfare and day care))~~ children's services advisory committee; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 13. Sections 2 through 8 of this act are each added to chapter 74.15 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator Guess: "Mr. President, very reluctantly raise the scope and object on the amendment as offered by Senator Kiskaddon.

"Speaking on the point, Mr. President and members of the Senate, if you would examine these thirteen pages of material, sixteen pages of material has been laid on your desk, you'll find that it goes 180 degrees counter to the intent of the bill before us, Senate Bill 3007. It establishes a commission, it would provide for a registration fee that is not provided in the other bill; it provides for regional committees; it requires that the regional committees meet bimonthly to draw up rules and regulations; it keeps the department in the field, and they have proven to be totally inadequate to do a job. They've proven in the past year, or three years actually, to be, live up to the worst definition that you can come unto, of 'bureaucracy,' and I think to go in the direction that this amendment would offer would be in contravention to

good government; and so I urge, Mr. President, that you rule that it does increase the scope and object of the bill."

Debate ensued.

There being no objection, on motion of Senator Guess, the Point of Order was withdrawn.

Further debate ensued.

The motion by Senator Kiskaddon failed and the amendment was not adopted on a rising vote.

On motion of Senator Deccio, the following amendment by Senators Deccio and Hansen to the title was adopted:

On page 1, line 3 of the title, after "74.15.020;" insert "amending section 1, chapter 50, Laws of 1980 and RCW 48.48.140;"

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 3007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Deccio, section 3 as amended by your amendment, appears to me to say that the only time the fire marshal may inspect the family day care, is when requested by the provider. Was that your interpretation or your intent?"

Senator Deccio: "No, Senator Vognild, it is not. It would not preclude the fire department from going in and making the kinds of inspections to deal with some of the problems Senator Ridder spoke of—the cleanliness, other fire safety, fire hazards that exist; this merely says that in addition to those things, that the local municipality would deal with, but they would also have to have fire protection device."

REMARKS BY SENATOR RIDDER

Senator Ridder: "In response to Senator Vognild's question, I would like to read the section 3 as it now appears and see if that does indeed agree with the statements that Senator Deccio made about other things than the smoke alarm being provided. 'The local fire marshal shall make or cause to be made at the request of the family day care provider, an annual inspection of family day care homes for the sole purpose of insuring compliance with the requirements of RCW 48.48.140.'"

REMARKS BY SENATOR DECCIO

Senator Deccio: "Mr. President, in response to Senator Ridder's remarks, the amendment does not say that the local fire marshal cannot come in on a routine basis and do the same things that they are doing now.

"It says that if they do have smoke detectors that they must be inspected, at least inspected annually. I'd like to reiterate that for the record again."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President. I'd like to reiterate what Senator Ridder said: 'The local fire marshal shall make or cause to be made at the request of the family.' That means that if the family day care provider asks them to come, they can. If they do not request them and the first marshal comes up to their door, they could tell him to go, you know where.

"So don't say that they could come in and inspect, only at the request of those providers."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3007, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Woody, Zimmerman—36.

Voting nay: Senators Charnley, Fleming, Goltz, Gould, Hemstad, Kiskaddon, McDermott, Ridder, Williams, Wilson—10.

Absent or not voting: Senator Sellar—1.

Excused: Senators Talmadge, Wojahn—2.

ENGROSSED SENATE BILL NO. 3007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE SENATE JOURNAL

March 18, 1981.

SUBJECT: Local Costs Resulting from Passage of SB-3007

Senate Bill 3007 deregulates "Private Family Day Care Homes". It replaces state licensing and inspection with local inspections and state registration. Local inspections are required by Sections 3 and 4 of ESB 3007 to be performed by the fire marshal and health department.

The Washington State Senate had available a state agency fiscal note when it considered this legislation. However a local government fiscal note which had been requested when the bill was in Rules did not arrive before the Senate acted on the bill. Available on March 11, 1981 the Local Government Fiscal Note indicates that the mandatory inspections required by Sections 3 and 4 will cost local agencies (statewide) annually between \$60,000 and \$4,000,000.

The signators of this statement believe that it is a responsibility of the State of Washington, due to enactment of Initiative 62, to assume the costs of these inspections. State expenditures will be reduced by approximately \$1.2 million/biennium, and these funds can be used to pay for the local costs. Of course any costs above these state fiscal note figures would indicate that deregulation was not fiscally sound.

Signed: Senator Bruce Wilson

Senator R. Ted Bottiger

Senator Donn Charnley

MOTION

On motion of Senator Clarke, the Senate will consider Senate Bill No. 3034, followed by Senate Bill No. 3545 and followed by gubernatorial appointment 380.

SECOND READING

SENATE BILL NO. 3034, by Senators Conner, Talley, Vognild and Craswell: Pertaining to disability and death benefits for volunteer firemen.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3034 was substituted for Senate Bill No. 3034 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, I noticed in the digest here, volunteer firemen's retirement pension and disability and death benefits have not kept up with inflation. Can you tell me of any pension that we have, other than possibly the LEOFF system that has kept up with inflation; and I'm thinking of the teachers' retirement which hasn't had an increase for many years, and the PERS system which will now, was getting 3% increase but will not get that this year. I was going to ask whether consideration of those pension systems, to your knowledge?"

Senator Zimmerman: "To your first question, I know of none, and on the second question I hope so."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3034, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Talmadge, Wojahn—2.

SUBSTITUTE SENATE BILL NO. 3034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3545, by Senators Shinpoch and Bottiger:

Providing for the registration of permanent identification symbols on horses.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3545 was substituted for Senate Bill No. 3545 and the substitute bill placed on second reading and read the second time in full.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3545 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3545, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson,

Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Talmadge, Wojahn—2.

SUBSTITUTE SENATE BILL NO. 3545, 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.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Zimmerman, the appointment of Karen Rahm as Director of the Planning and Community Affairs Agency was confirmed.

APPOINTMENT OF KAREN RAHM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Talmadge, Wojahn—2.

MOTION

At 1:13 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Monday, March 9, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 9, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Ridder, Talley and Talmadge. On motion of Senator Fleming, Senators Ridder, Talley and Talmadge were excused.

The Color Guard, consisting of Pages Kathy Sturgeon and Patrick Eldridge, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 9, 1981:

Final passage SB 3189: Aye
 Final passage ESSB 3188: Aye
 Final passage SB 3017: Aye
 Final passage SSB 3205: Aye
 Final passage ESB 3242: Aye
 Final passage ESB 3264: Aye
 Final passage SB 3297: Yea

Final passage ESB 3318: Aye
 Final passage SB 3327: Aye
 Final passage SB 3352: Aye
 Final passage SB 3354: Aye
 Final passage ESB 3362: Aye
 Final passage ESB 3446: No
 Final passage ESB 3536: Aye

REPORTS OF STANDING COMMITTEES

February 25, 1981

SENATE BILL NO. 3024, authorizing fishing in designated areas by the Sokulk Indians (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3024 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 3076, providing for the taxation of vending machine sales of food (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3076 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Fleming, Gaspard, Haley, Lee, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3313, limiting registration fee for certain securities (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Referred to Committee on Ways and Means.

March 5, 1981.

SENATE BILL NO. 3750, authorizing transportation of private school students in public school busses (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 4131, requiring mandatory minimum terms for certain felonies involving firearms (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4131 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hayner, Hughes, Pullen, Shinpoeh.

Passed to Committee on Rules for second reading.

March 4, 1981.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4, declaring foreign trade policy (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 6, 1981.

DONALD W. MOOS, to the position of Director of the Department of Ecology, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Wilbur G. Hallauer (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Hughes, Hurley, Williams.

Passed to Committee on Rules.

March 6, 1981.

JACOB THOMAS, to the position of State Historical Preservation Officer of the Office of Archaeology and Historic Preservation, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Louis R. Guzzo (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Williams.

Passed to Committee on Rules.

March 6, 1981.

MS. GAYLE ROTHROCK, to the position of Member of the Pollution Control Hearings Board, appointed by the Governor on March 13, 1981 for the term ending June 30, 1986, succeeding Marianne Craft Norton (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 7, 1981.

Mr. President: The Speaker has signed: HOUSE BILL NO. 604, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 7, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 31, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 604.

FIRST READING OF HOUSE BILL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 31, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Amen, Tilly, Clayton, Owen, McCormick, Barr, Bickham, Fancher, Struthers and Smith):
Revising workers' compensation laws.

Referred to Committee on Financial Institutions and Insurance.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 will be held for consideration on March 10, 1981.

On motion of Senator Clarke, the Senate will consider Senate Bill No. 3189 through Senate Bill No. 3120 on the second reading calendar for today. Following consideration of those bills, the Senate will commence consideration of the bills on the Consent Calendar.

SECOND READING

SENATE BILL NO. 3189, by Senators Talmadge, Hayner, Bottiger and Woody:

Modifying procedures for dependent children.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3189 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, last summer a parent called me, very distraught, because they had wanted a child back but the child had been diverted. Then the caseworker told the parent that if they didn't give the support that was ordered, then they would take the home away from the parents in order to enforce the demand that they support the child in a foster home. Is this true?"

Senator Bottiger: "Senator Guess, there's a million horror stories about what I would call 'over-zealous caseworkers.' If that parent had been attempting reconciliation and been trying to get reunited with his child, it's my understanding of the law now, and it would not change with the passage of this bill, that that parent cannot be required to make support payment. And at least that is our intent; and my point is the deletion here is not intended to change that because it's covered in another section."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3189, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Pullen—1.

Excused: Senators Ridder, Talley, Talmadge—3.

SENATE BILL NO. 3189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3188, by Senators Talmadge, Hayner, Bottiger, Zimmerman and Woody):

Modifying procedures for families in conflict.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3188 was substituted for Senate Bill No. 3188 and the substitute bill was placed on second reading and read the second time in full.

Senator Hemstad moved the following amendments by Senators Hemstad, Clarke and Hayner be considered and adopted simultaneously:

On page 3, line 31, after "RCW 13.32A.050" insert "(1) or (2)"

On page 3, line 34, section 3 after "~~consents~~)" insert "unless: (a) the juvenile's conduct or emotional condition conveys the juvenile's fear or apprehension for his or her health, welfare or safety should he or she be returned home; or (b) in the judgment of the officer, circumstances exist which lead to a reasonable belief that returning the juvenile home will jeopardize his or her health, welfare or safety; or (c) in the judgment of the officer, it is not practical to return the juvenile home; or (d) in the judgment of the officer, it is not in the best interest of the family to return the juvenile home"

On page 4, line 5 after "(2)" strike all of the material down to and including "home" on line 7 and insert "~~((If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the juvenile home))~~ If a juvenile is taken into custody under RCW 13.32A.050(1) or (2) and is not returned home or is taken into custody under RCW 13.32A.050(3) or (4)"

POINT OF INQUIRY

Senator Vognild: "Senator Hemstad, I was going to come and talk to you and ask you if you would yield. Would you yield to a question I consider friendly? Thank you.

"I believe that this bill will take care of the concern that happened in Snohomish county. We had a 15-year old that had beaten his mother up, had threatened to burn the house down; actually, more threats than that.

"In attempting to resolve this, I brought a number of people together, including the members of DSHS and the sheriff's department, and they informed me, under the law, that they could not remove that child from the home, and that the child's rights were to enter the home at any time.

"Now, I believe that this bill, if I read it correctly, the amendment here that appears to take care of that problem; would you clarify that for me, please?"

Senator Hemstad: "Well, this amendment, I think, deals with a relatively narrow aspect of a very complex set of issues; and it deals only with the situation where basically the parents, for example, are concerned that the runaway child should be returned home, or it has been brought to the officer's attention that there is a runaway child on the street, and he picks that child up. And then the question is, 'What does he do with that child right at that moment, and what kind of evaluation or judgment does he apply?'

"Now the testimony from the police community was that the best way to deal with that was, if there was a sense of fear being conveyed by the child, that the child should not be taken home that night, and the matter should be straightened out the next morning.

"The question that you raise, raises other kinds of concern that this particular amendment here does not necessarily deal with. I am certain, however, that there is now structured into this law, the capacity to provide a protection to a family from an abusive child, if that's the way to phrase it. For example, in the next bill there is machinery now pushed into the law that will allow the court to impose contempt powers upon a child, to force that child to meet the standards that ultimately a juvenile court would be imposing on a child.

"The law has been insufficient in this area, but now I think has been substantially beefed up in all four of the bills that will have been adopted here."

Senator Vognild: "One further question, if I may. I just briefed through this bill and I didn't see it, but in one of these bills don't we have the procedure now that in effect, allows the parents to, I think the term that they used was 'divorce the child?' Under law, right now, the child can, in effect divorce his parents any time he wishes; but the parent is absolutely powerless to get away from the responsibility. Is that in one of the other laws, or one of the other bills, I mean?"

Senator Hemstad: "Well, if the child is ultimately determined, for example, if a child was placed under a guardianship mechanism, the parents would at that point, lose their direct responsibility for the child in that sense; or if the child is in a criminal situation, is actually, there is imposed upon him a criminal sanction. The family is not going to have further responsibility for that situation; or a child who is a runaway could be sent to an alternative residential placement for a period of time, for example, to disengage the child from the family. All three of those different kinds of techniques and tools are available to the juvenile court system now, to deal with some of these difficult problems of family/child relationships. It depends upon which category the child will now find himself in when it is brought to the attention of the juvenile court and then the discretion of the judge in using those different powers available to it."

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, I have been trying to determine what your proposed amendment, you are proposing to amend on page 3, line 34?"

Senator Hemstad: "That is correct."

Senator Rasmussen: "But you already have on page 4, on line 7, the same provision and it's written considerably shorter, which says, 'If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family or the juvenile's safety to take the juvenile home, the law enforcement officer shall take the juvenile to a designated crisis . . . center. . . .'"

"What does your amendment do that is not already in there?"

Senator Hemstad: "Senator, the language you have just quoted is stricken in the third of the three amendments that are being considered as a single amendment in this case. In other words, that language is taken out; if you will look at the third amendment you'll see how it is then replaced with substitute language, which refers back to the interconnection with the new underlying language which is the middle amendment."

Senator Rasmussen: "Well, that's what my question was. Why do you, it's very simply put there in the bill and you're striking it from the bill and adding quite a long and detailed reasons why the officer should not be, should not take the child home. Now that's one of the problems of course that they have right at the present time. The officers will not pick them up because there's nothing they can do and you are extending that, where you have a number of reasons in here, and I don't know how the officer is going to determine that all in the space of the time that he's going to pick up that juvenile."

Senator Hemstad: "I believe I will yield to Senator Bottiger who would like to further answer your question."

Senator Bottiger: "Senator Rasmussen, there comes a time and place when somebody has to make a decision and in this particular situation you have a runaway or even a child that might turn himself in to the police department, and ask for some protection.

"As I read this amendment, and I support the amendment, we have said that the person who is on the spot will have to make a decision, and we give him some guidelines as to what decision he makes. If, when he takes the child home, here is the mother, with both eyes blackened, saying 'Please don't put that kid back in my house,' okay, the police officer would make a judgment; he'd make a call and say that this child should not be forced back in his parents' home, he is the aggressor.

"Or if he's convinced that, from the child, the child has been abused and he's going to have to make a judgment call, then he takes the child to the crisis center.

"Now there is simply nobody else to do it and so we are relying, or asking the police officers to make those kinds of calls which, in their professional ability, they are already trained to do.

"And Senator, I would disagree with you when police officers have told you and I, that under the former code that they couldn't do anything about runaways. I simply disagree with that; they could have, under the prior code, done something about runaways, but they choose not to do it. This statute makes it very clear that they are to do it and it tries to give them some guidelines under the amendment."

The motion by Senator Hemstad carried and the amendments were adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute Senate Bill No. 3188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Hemstad, your closing remark related to requiring that there be, I guess at least one crisis residential center in each county. The question arises, who would be paying for that, and how much might it cost, and whether this is a matter that would fall under section 6 of initiative 62?"

Senator Hemstad: "Senator Wilson, the costs are the responsibility of the department of social and health services, and there is a fiscal note connected with the bill but it is basically a supplementation of the existing system."

Senator Wilson: "It is placing no additional fiscal responsibility on local government?"

Senator Hemstad: "No, it's a state responsibility."

POINT OF INQUIRY

Senator McDermott: "I was about to follow Senator Wilson with a question which you half-answered, Senator Hemstad. Would you yield to a question and tell us what the fiscal note on this bill is?"

Senator Hemstad: "Yes. The fiscal note for the further elaboration on those crisis residential centers is, for the first year, \$89,000; the same for the second, for a total biennial obligation of \$179,000; a 6-year commitment of \$538,000."

Senator McDermott: "Did the fiscal note deal with the question of the extension from seventy-two hours to seven days on all the holds?"

Senator Hemstad: "Senator McDermott, the final form of the bill, the substitute bill, returns it to the standard of seventy-two hours, with the possible addition of not counting weekends, so there is no significant measurable impact in that regard. The bill as originally drafted called for seven days, but it is now seventy-two hours again."

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, the bill requires, in the case of a child that's placed in a home, that, assume what the parents could reasonably pay for the support of the child. In the event they do not pay, then they can get judgment. Is that correct?"

Senator Hemstad: "I believe that is correct."

Senator Rasmussen: "Then my other question would be, we recently had a series of newspaper reports about judgments in King county where they have been, not alone in King county but other counties, where attorneys without too high ethics have been moving in on these judgments and selling the home because of a judgment. This would be possible also under this, where they have received a judgment for nonsupport?"

Senator Hemstad: "Senator, there is a bill on the second reading calendar that we'll get to here shortly, that completely restructures the concern that you are addressing and I am confident it will no longer be a problem when it passes this legislature here in the next few days."

"Senator Rasmussen: "Well thank you; I wouldn't want to have a home sold so that the juvenile, when it did get out of detention, whatever the reason, would not be able to have a home to come to. Glad to hear that you have another bill coming."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3188, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Pullen, Sellar—2.

Excused: Senator Talmadge—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3017, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

Deleting references to veterans' loan insurance.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3017 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3017, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3205, by Senators Bauer and Sellar:

Modifying provisions regulating savings and loan associations.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 3205 was substituted for Senate Bill No. 3205 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 3205 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3205, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jones: "Yes, Mr. President, as a point of personal privilege, I'd like to address the fact, for the benefit of those in the gallery, that we are now working on a consent calendar. Things seem to be moving probably a little more rapidly than they have on the earlier bills, and these are generally bills that have been reviewed by the leadership of both caucuses and then run by the caucuses themselves and have very few amendments in the way of committee amendments and are generally of no controversy; and that's why we are moving along with this rapidity.

"I thought it would be to the benefit of those who are observing us up in the galleries. Thank you."

President Cherberg: "Thank you, Senator Jones."

SECOND READING

SENATE BILL NO. 3242, by Senators Craswell and Gaspard:
Making miscellaneous changes in law relating to education.

REPORT OF STANDING COMMITTEE

February 3, 1981.

SENATE BILL NO. 3242, making miscellaneous changes in law relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, following section 2, add a new section as follows and renumber the remaining sections consecutively:

the remaining sections consecutively:

"Sec. 3. Section 16, chapter 176, Laws of 1969 ex. sess. as last amended by section 32, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.160 are each amended to read as follows:

All funds under the control of the office of each educational service district shall be combined into the educational service district general expense fund and deposited in the office of the county treasurer of the county in which the educational service district headquarters office is located: PROVIDED, That funds under the control of an educational service district may be placed in one or more special purpose funds in the office of the county treasurer as now or hereafter authorized by rule or regulation of the superintendent of public instruction. The superintendent of public instruction, by rule or regulation, shall establish the standards, conditions and procedures governing the establishment and use of general expense and special purpose funds by educational service districts, including transfers from one fund to another, and shall provide by an established formula for the proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more educational service districts. In case the boundaries of any of the educational service districts are changed, the superintendent of public instruction shall order an

equitable transfer of such funds from one educational service district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county commissioners of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more educational service districts under RCW 28A.21.180, as now or hereafter amended."

On line 1 of the title after "education;" and before "amending" insert "amending section 16, chapter 176, Laws of 1969 ex. sess. as last amended by section 32, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.160;"

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, McDermott, Talmadge.

The bill was read the second time by sections.

On motion of Senator Craswell, the committee amendments were adopted.

On motion of Senator Craswell, the rules were suspended, Engrossed Senate Bill No. 3242 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Craswell, in the amendment and it is not new law but it's old and my question would be, 'Superintendent of public instruction, by rule or regulation.' Now you put the funds into the treasurer's control, and then the superintendent, by rule or regulation.

"What's the difference between a rule or a regulation?"

Senator Craswell: "It was the intent of the amendment, as I recall, to require that the same rules and reg . . . there is no difference between rules and regulations, if that was your question."

Senator Rasmussen: "That was my one question.

"And the other one is, it would be related to it, we have been for many sessions, arguing over whether we should review the regulations by the various departments and here we are extending it again in the case of money in the treasurer's office to the superintendent of public instruction and that is new."

Senator Craswell: "I believe it's the intent that the same rules and regulations apply to these separate funds as they did to the original fund, which was under the old, the same rules that we had previously will now extend to the new account."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3242, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3264, by Senators Peterson, Gallagher and Talley (by Department of Fisheries request):

Modifying procedures for commercial salmon fishing licenses.

REPORT OF STANDING COMMITTEE

February 5, 1981.

SENATE BILL NO. 3264, modifying procedures for commercial salmon fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, following line 23 insert a new subsection as follows:

"(3) Any request to the director to issue the license because of extenuating circumstances relating to a license application delivered to the department in Olympia after April 15th of the license year shall be accompanied by a late application fee of two hundred dollars which shall be refunded to the applicant if the license is issued to the applicant, at the discretion of the director, because of extenuating circumstances. If the director denies the request a license shall be issued pursuant to subsection (2) of Section 1 of this 1981 amendatory act."

Renumber the remaining sections accordingly.

Signed by: Senators Peterson, Chairman; Gallagher, Haley, Patterson, Rasmussen, Talley, Vognild, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Senate Bill No. 3264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3264, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3298, by Senators Bottiger and Fleming:

Permitting a jury to be selected in another county to accomplish a change of venue.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, the judge in Whatcom county said that he could not get a jury up there and he is going to move the jury from Pierce county. Which county bears the cost?"

Senator Bottiger: "Whatcom county."

Senator Rasmussen: "Whatcom county bears all the cost of putting the jurors up there?"

Senator Bottiger: "They would bear the cost if it was transferred to Pierce county and tried down here. They would still have to pay the costs; the crime occurred in Whatcom county, that's the county that would pay the cost."

Senator Rasmussen: "My other question would be, are they transporting one hundred and five called jurors so that they can pick from that up there in Whatcom county, or are they just taking twelve tried and true people they know would be good jurors?"

Senator Bottiger: "Senator, I understand that they had, the jury selection occurred in Pierce county and it's not twelve, but they took two alternates with them."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3298, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3318, by Senators Patterson, Wilson, Fuller and Charnley:

Authorizing the use of hotel/motel tax receipts for other capital purposes.

REPORT OF STANDING COMMITTEE

February 24, 1981.

SENATE BILL NO. 3318, authorizing the use of hotel/motel tax receipts for other capital purposes (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, beginning on line 12, after "community" strike all of the material down to and including "purposes" on line 15.

Signed by: Senators Zimmerman, Chairman; Charnley, Gould, Lee, McCaslin, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendment was adopted.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 3318 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Patterson, I understand that the small cities and counties are going to sell bonds out on the bond market, incur debt, and they are going to pay it back with the hotel tax. Do you think this bothers or affects inflation or any of those problems?"

Senator Patterson: "That's a good question, Senator. Thank you."

POINT OF INQUIRY

Senator Deccio: "Senator Patterson, the concern I have over this bill is that it will open up competition between what the purpose of the tax was originally intended for, and small cities to develop parks. I wouldn't like to see that. In your mind do you see this bill creating a problem for the development of convention and visitors' business by, in effect, having part of these funds sidetracked for the purposes that the bill intends it to be used for in addition to what it was originally intended for?"

Senator Patterson: "The answer is 'no,' I do not see it as a problem. Any project that would be authorized by a community has to be by ordinance of the city and if that city has made a commitment, and I presume you might think in terms of Yakima for example, that made a commitment to use these tax dollars for a major project, such as you have in Yakima; then it would be up to that city to make the determination in making a shift to other purposes, which I am sure would not happen, where the money was already being dedicated for bond issues, and the bond covenants would hold."

POINT OF INQUIRY

Senator Fleming: "Senator Patterson, to your knowledge has the hotel/motel convention bureau, the people that are most involved in promoting travel and tourism and what this deal was originally set up to do, to help promote, are they in support of this measure?"

Senator Patterson: "No."

Senator Fleming: "Secondly, was it your intent, by striking the committee amendment, or would you know by those people who offered the committee amendment, was it their intent not only to use this money to build parks but also to be able to operate them?"

Senator Patterson: "I think the amendment in the committee specifically said that you could not use these tax dollars for the purpose of operation."

Senator Fleming: "My understanding by striking all the language from 12 down, you are striking, unless I am misreading it somewhere else, you are striking the verbiage that says, 'These taxes shall not be levied, nor revenues expended, for the purpose of operating any municipal . . . facility.' So by striking that language, I think that you are allowing them to do that, unless I missed it somewhere."

Senator Patterson: "No, I think if you'll, on line 15 . . ."

Senator Fleming: "Okay, down through 'purposes', okay. . ."

Senator Patterson: "'These taxes shall not' . . . got it?"

Senator Fleming: "Okay, all right."

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Patterson, I wonder if you would inform the body of exactly how this tax works. It seems to me like I have somewhere in the back of my mind that this becomes a credit against the tax of the state, that you just declare that you are going to do revenue bonds and that money which is normally transmitted to the state, then gets diverted to this. Do I understand that correctly?"

Senator Patterson: "Yes, you do."

Senator Shinpoch: "That it's simply, what this is, is some \$800,000 more to come out of the state general fund, that if we do not pass this bill, will be in the state general fund available for chore services and things of that nature?"

Senator Patterson: "Well Senator Shinpoch, I'd like to respond in this way. Ninety-four percent of the money that's currently being collected, is being dedicated currently to places like the Kingdome, the facilities over in Spokane, and other large cities; and it's been dedicated to the retirement of bond issues.

"This question should have been raised a long time ago as to whether or not these facilities should have been built out of this particular tax. Now 94% of the money's gone and the fiscal impact on this bill, as I understand from my colleagues, that it's about 800, if every city that has not now used this as a resource for these facilities, it would be an impact on the general fund budget of \$840,000.

"But that's in the event that every city that does not now collect this tax were to put it into effect; but I would submit that there are very few cities that will probably utilize it, and it would be spread over a much longer period of time than the currently dedicated 94% of the money that's being collected for facilities such as the Kingdome."

Senator Shinpoch: "Thank you, Senator Patterson. I think that what you told us was that there's six percent of the cities which do not have a convention facility or something of that nature and would never be able to do it this way, to expend the money, but you want some way to take that other million or so every biennium out of the state general fund for something, therefore you have expanded it to include the development and improvement of park facilities and other capital improvements. And I think capital improvements can be anything.

"So I guess that I kind of have some, I guess I'm remiss, I don't understand how it ever got on a consent calendar to begin with. And anything that's taking another 800 or a million dollars out of the general fund when we're already so short, I guess I have some problems understanding how your side got this on a consent calendar, and how our side left it on there; and that's the real issue, I suppose, but I simply have to speak against the bill and I must tell you that I spoke against the last time that this bill was expanded, taking additional monies out of the general fund, and I still feel the same way about it.

"I guess that I would like some time to start thinking about what it is that we're doing, that when we set up something that says that all the locals have to do is just to declare 'Yes, we want this million dollars out of your local fund, out of your funds for us to use.' There's something wrong with that. If we intend to provide specific monies to the local agencies, well then why don't we do it up front? Why don't we declare it? 'This is what we are going to do and we are going to spend this kind of money' instead of hiding it. And that's what this kind of a bill does, and I suppose there's six percent less and somebody can't stand that."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Patterson, ask you one more? I have a very specific example in my district. Yakima, which has the convention center, of course, operates the facility. Union Gap has a few motels in their district, but of course they are not part of Yakima. They very reluctantly give a few dollars out the taxes they collect in order to take care of the Yakima facility. The mayor of Union Gap asked me if it was possible if the motel/hotel tax could be used to finance parks. I said, 'No, I didn't think so, I really wouldn't want to see that happen.' And I guess under this bill that's probably just what would happen.

"So I have a particular problem in my own district."

Senator Patterson: "Well Senator Deccio, you've got a pretty good deal down there if you are getting money out of Union Gap to help support the convention facility of the city of Yakima. It seems to me that Union Gap ought to be able to determine their own destiny in an opportunity to take care of their own community.

"I think, you know, you have a nice arrangement but this bill may preclude their making a gift to you for that purpose."

Senator Deccio: "Well, no, I guess maybe you didn't understand what I said, there were three or four motels in Union Gap, Yakima foots the whole bill, does all the work, but yet Union Gap gets the advantage out of the hotel/motel taxes which they just keep, while Yakima has to carry the full load of the convention facility on their backs. So it's really Union Gap that is the beneficiary of this thing; I think that they ought to support the convention center because if the convention center wasn't there, their motels would be empty; they wouldn't be able to get the money to even use for parks."

Senator Patterson: "It certainly is a difficult local problem, Senator."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3318, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Talley, Vognild, Wilson, Wojahn, Zimmerman—27.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Fleming, Goltz, Hayner, Hurley, Jones, Kiskaddon, Lysen, McDermott, Metcalf, Pullen, Ridder, Scott, Sellar, Shinpoch, von Reichbauer, Williams, Woody—21.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3327, by Senators Gaspard, Wojahn, Clarke, Sellar, Bauer and Charnley:

Pertaining to powers and duties of mutual savings banks.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3327, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3352, by Senators Kiskaddon and Gaspard:

Repealing obsolete law requiring report on school districts maintenance of resource services.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3352, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3354, by Senators Kiskaddon and Gaspard:

Repealing law, parts of which were declared unconstitutional, relating to student financial assistance program.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3354, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3362, by Senators Jones and Fleming:

Permitting port commissions to offer rewards.

REPORT OF STANDING COMMITTEE

February 10, 1981.

SENATE BILL NO. 3362, permitting port commissions to offer rewards (reported by Committee on Local Government):

Recommendation: Do pass with the following amendments:

On page 1, line 10, after "reward" strike all material down to and including "case," on line 11, and insert "(~~not to exceed five hundred dollars in any one case;~~)"

On page 1, line 21, after "reward" strike all material down to and including "case," on line 22, and insert "(~~not to exceed two hundred fifty dollars in any one case;~~)"

In line 1 of the title, after "districts" insert "and counties"

Signed by: Senators Wilson, Chairman; Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendments were considered and adopted simultaneously.

On motion of Senator Zimmerman, the committee amendment to the title was adopted.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 3362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3362, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Talley—1.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3446, by Senators Lee and Zimmerman:

Revising laws relating to boundary review boards.

REPORT OF STANDING COMMITTEE

February 24, 1981.

SENATE BILL NO. 3446, revising laws relating to boundary review boards (reported by Committee on Local Government):

Recommendation: Do pass with the following amendment:

On page 2, line 33, after "RCW" strike all the material down to the period on line 34 and insert "State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02, Incorporation Proceedings, or 35.03 RCW, Incorporation of First Class Cities."

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Gould, Lee, McCaslin, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendment was adopted.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 3446 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3446, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hughes, Shinpoch—2.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3536, by Senators Wojahn, Bauer, Sellar, Charnley and Fuller (by Department of General Administration request):

Authorizing parity between state and federal savings and loan associations.

REPORT OF STANDING COMMITTEE

February 18, 1981.

SENATE BILL NO. 3536, authorizing parity between state and federal savings and loan associations (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

On page 1, line 9, after "powers" strike "or authority"

On page 1, line 16, after "powers" strike "or authority"

On page 1, line 19, after "state" insert ", or may modify or reduce reserve or other requirements if an association is insured by federal savings and loan insurance corporation,"

On page 1, line 22, after "the" strike "quality of competition" and insert "fairness of competition and parity"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3536 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Wojahn, does the state, through the enactment of this bill, take on any more or less responsibility for the solvency and the viability of the institutions affected than we have right now?"

Senator Wojahn: "No, because it's simply a parity in equality bill because the assets are there. I think the twenty-eight Federal savings and loans have 7.4 million in assets as of December, '80; and the twenty state charters had 2.1 billion as of that date; and there is no problem. And all the authorities of granting of any of these powers is vested in the commissioner of banking so that he is going to be super cautious in doing anything, I am sure."

POINT OF INQUIRY

Senator Fleming: "Senator Wojahn, I'm sure it's quite obvious but why is there a need for an emergency clause on this measure?"

Senator Wojahn: "Because sometimes they would be functioning under the new monetary control and deregulation act of 1980, and there will be rules and regulations drafted by the federal, under the Federal bill, that will go in the Federal registry. This would give the commissioner of banking the right to review those rules and regs, and if they were appropriate to our state, then they could be triggered in when we were not in session to do that."

Senator Fleming: "Would this have anything to do with allowing them to operate or not operate under certain situations that would involve interest rates, higher or lower?"

Senator Wojahn: "No, that's all, they are controlled by the federals, anyway; most Federal savings and loans are under the Federal savings and loan insurance program, and they are granted certain powers under that, anyway. So they would not have anything to do with interest rates."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3536, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Hughes—1.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3536, 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

At 12:35 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Tuesday, March 10, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 10, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Talmadge. There being no objection, Senator Talmadge was excused.

The Color Guard, consisting of Pages Brad Kreulen and LeAnne Taylor, presented the Colors. Dr. Paul McCann, pastor of United Churches of Olympia, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Senator Phil Talmadge was absent from the Senate from February 27, 1981, to March 10, 1981, due to gall bladder surgery and the needed recuperation from that surgery.

It is Senator Talmadge's wish to make clear that he would have voted in the following fashion:

March 10, 1981:

Final passage SSB 3190: Aye

Final passage SCR 105: Aye

Final passage ESB 3049: Aye

Final passage SB 3168: Aye

Final passage SB 3121: Aye

Final passage ESB 3170: Aye

Final passage SB 3181: Aye

Final passage SB 3182: Aye

Final passage SSB 3584: Aye

Final passage SB 3617: Aye

Final passage SSB 3060: Aye

Final passage SB 3143: Aye

Final passage SB 3153: Aye

Final passage SB 3194: Aye

REPORTS OF STANDING COMMITTEES

March 6, 1981.

SENATE BILL NO. 3244, providing property damage coverage for hit-and-run or underinsured motor vehicle insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3383, revising licensing laws regulating insurance industry (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3408, providing for wine and wine grape research and instruction programs (reported by Committee on Agriculture):

Recommendation: That Senate Bill No. 3408 be referred to Committee on Ways and Means.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Referred to Committee on Ways and Means.

March 6, 1981.

SENATE BILL NO. 3465, eliminating expiration dates for risk management office (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3630, expanding the authority of the Department of Ecology for land reclamation (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3630 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Jones.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3722, modifying provisions relating to home made wine (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3797, modifying provisions relating to the management of joint operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3797 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Newhouse, Quigg, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Moore, Williams.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3927, funding installation of railroad crossing protective devices (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3927 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 5, 1981.

SENATE BILL NO. 4325, requiring the department of social and health services to establish a fee schedule to conducting heritable disorder laboratory tests (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4325 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE CONCURRENT RESOLUTION NO. 107, directing the Legislative Transportation Committee to study partial deregulation of the trucking industry (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 107 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 9, 1981.

SUBSTITUTE HOUSE BILL NO. 115, implementing law relating to refund or cancellation of tuition and fees at institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

March 9, 1981.

HOUSE BILL NO. 361, providing for removal of members of community college board of trustees by the governor (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Chairman; Charnley, Guess, Patterson, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 9, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise you that March 9, 1981, Governor Spellman approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 3041, relating to electric power & conservation planning.

Sincerely,
MARILYN SHOWALTER
Counsel.

MOTIONS

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

On motion of Senator Bottiger, all members were permitted as sponsors on Senate Resolution 1981—30.

On motion of Senator Bottiger, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—30

By Senators Bottiger, Wilson, Talley, Wojahn, Vognild, Conner, Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, von Reichbauer, Williams, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Fred Hildebrand, Sergeant at Arms:

WHEREAS, Jack H. Little, who served the Washington State Senate as a security officer for four sessions from 1975 through 1979, passed away on Wednesday, March 4, 1981; and

WHEREAS, Jack H. Little served as a police officer in the City of Bremerton most ably for twenty-five years and retired with distinction from the post of Chief of Detectives; and

WHEREAS, Jack Little was a kind, compassionate and considerate person who believed in helping others and gave considerably of his time to assist visitors, constituents and others while serving the Washington State Senate as a security officer; and

WHEREAS, The Washington State Senate, its members, officers and staff are appreciative of the opportunity to meet, know and work with a person of excellence as was Jack Little;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, that the Senate, its members, officers and staff extend to Mrs. Doris M. "Dee" Little and the family our condolences during this time of grief and loss; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a certified copy of this resolution to the Little family.

MOTIONS

On motion of Senator Metcalf, any member wishing to be an additional sponsor to Senate Resolution 1981—29 will be permitted to do so by notifying the Secretary of the Senate.

On motion of Senate Metcalf, the following resolution was adopted:

SENATE RESOLUTION 1981—29

By Senators Metcalf, Deccio, McDermott, Talley, Shipoch, Sellar, Conner, Bauer, McCaslin, Hurley, Zimmerman, von Reichbauer, Rasmussen, Moore, Vognild, Quigg, Craswell, Peterson, Gaspard, Fleming and Haley:

WHEREAS, Political conditions and emotional reaction of individuals in the United States at the time of the Viet Nam War were such that returning veterans of that action were largely ignored; and

WHEREAS, The return of the hostages from Iran has brought to mind the kind of welcome that should be accorded those who have honorably served their country; and

WHEREAS, Veterans of the Viet Nam War have continued to suffer emotional indignity and discrimination in our society, in social affairs and in obtaining employment; and

WHEREAS, That indignity and discrimination has resulted in the death of more veterans of Viet Nam by suicide than were killed in the seventeen years of the Viet Nam conflict (our first military advisors went to Viet Nam in 1957, our last troops left in 1974); and

WHEREAS, The nation and its individual citizens do understand that those who served in Viet Nam made the same sacrifice and had the same dedication to our national ideals as those who have served in other wars;

NOW, THEREFORE, BE IT RESOLVED, That their sacrifice and dedication deserve and are hereby accorded deep appreciation and thanks of the Senate, the people of the State of Washington and the nation as a whole; and

BE IT FURTHER RESOLVED, That the Senate recognizes Saturday, March 28, 1981, the 7th anniversary of the day the last U. S. troops left South Viet Nam, as Viet Nam Veterans' Day; and

BE IT FURTHER RESOLVED, That the use of the rotunda of the Washington State Capitol building is hereby authorized on Saturday, March 28, 1981, at 7:00 p.m., for a candlelight service in honor of the veterans of and those who gave their lives in the Viet Nam War.

MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 11, 1981.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3190.

SECOND READING

SENATE BILL NO. 3190, by Senators Talmadge, Hayner, Bottiger, Lee and Woody:

Modifying provisions relating to juvenile offenders.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3190 was substituted for Senate Bill No. 3190 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3190 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3190, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Pullen, Sellar—2.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Talmadge, Hemstad, Woody and Moore:

Adopting the juvenile disposition standards of the department of social and health services.

The resolution was read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Senate Concurrent Resolution No. 105 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, why are we not putting their recommendations into law? Now they are going to review again. Wouldn't it be much better if they put it into law rather than have regulations, the WACs?"

Senator Hemstad: "Well Senator Rasmussen, the changes will be included in the WACs as you reference. To put all of that into state law would seem to be unreasonable because of their detail and their elaborateness.

"The original statute did not contemplate that that be done."

Senator Rasmussen: "If they are that elaborate and hard to understand, maybe they ought to be revised somewhat more so that you could easily understand them when they are put into law. Usually all . . . you have something to go by; and that's why I fail to understand this as you indicate is going to be a continuing process."

Senator Hemstad: "This is an authority delegated by the legislature, pursuant to state law, to the Department of Social and Health Services, to elaborate on the standards that are included in state law. And if you don't like that system, then you should be proposing a change in the statutes which authorizes them to proceed in this manner."

Senator Rasmussen: "Well, I frankly don't like it yet. And the only way to do now is vote 'no.' But I would like to hear somebody else say that they like it very much."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen of the Senate.

"Senator Rasmussen, I don't like it a bit either and I am going to vote 'no' on this because I didn't originally support this point system which the Department of Social and Health Services has developed. I think it's one that the parents and the students work to their own advantage; they make fun of it, they don't know where they are. It's a question of how many points you have and then you are put in a certain category.

"I personally believe that, when you are dealing with juveniles, you should leave a great deal of the discretion to the court, because I think what we are trying to do is to take them out of the system and to improve their rehabilitation and so forth; and every time you put them into this kind of a system, I think you do just the opposite."

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 105 and the resolution passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Gaspard, Gould, Haley, Hansen, Hemstad, Jones, Kiskaddon, Moore, Newhouse, Patterson, Peterson, Shinpoch, Talley, Vognild, Williams, Wojahn, Woody—25.

Voting nay: Senators Benitz, Craswell, Fuller, Gallagher, Goltz, Guess, Hayner, Hughes, Hurley, Lee, Lysen, McCaslin, McDermott, Metcalf, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—23.

Excused: Senator Talmadge—1.

SENATE CONCURRENT RESOLUTION NO. 105, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3120, by Senators Talmadge, Hayner and Bottiger: Modifying provisions relating to the organized crime intelligence unit.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3120 was substituted for Senate Bill No. 3120, and the substitute bill was placed on second reading and read the second time in full.

Senator Clarke moved adoption of the following amendment by Senators Clarke and Shinpoch:

On page 4, line 2, following "board." strike all material down to and including "terms."

On page 4, line 9 and insert:

"Four of the members of the board shall be retired judges of courts of record. No member shall hold any other governmental position while serving on the board. After the initial term, the term of each member shall be four years. In order to accomplish a staggered termination date the initial terms to be designated by the Governor shall be:

One member for a one-year term

Two members for a two-year term

Two members for a three-year term, and

Two members for a four-year term.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, that provision of not holding any other position, would that prohibit them serving as judge pro tem? They call up a lot of these judges to serve in the absence or sickness of other judges and I wondered if that provision was something you considered?"

Senator Clarke: "It is possible that that might possibly be included in any governmental position and perhaps, I would have no objection to having an amendment to the amendment right after 'position,' between 'position' and 'while,' 'except that a pro tem judge' if you would like to have that put in there."

Senator Rasmussen: "I think that would be a good provision. I would see no reason for prohibiting him serving pro tem."

Senator Clarke: "I would agree and I would move the oral amendment, between 'position' and 'while,' so it will read, '. . . hold any other governmental

position except pro tem judge while serving on the board.' I would move the adoption of the oral amendment."

On motion of Senator Clarke, the following amendment to the amendment was adopted:

On line 3 of the new material added by the amendment, after "position" insert "except pro tem judge"

POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, as this bill, and I'm sorry I may have missed the meeting when we finally brought it out of committee, but as I understood, at least in this or in earlier versions, if one of the members of the board was under investigation, the other members did not have to tell him about it. Is that still in this draft?"

Senator Clarke: "That was in, Senator, that was in an earlier drafted version for the purpose of retaining the confidentiality. However, in view of the fact that there is a prohibition against any member holding any governmental position, it was felt that it was unnecessary to go the route that you are suggesting."

Senator Bottiger: "Senator Clarke, the fact that he isn't holding a governmental position at the time he is appointed to the board, or while he is serving, does not mean he could not have just been holding a governmental position. And for that reason I'm concerned about this amendment."

Debate ensued.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3120, together with the pending amendment by Senators Clarke and Shinpoch as amended by Senator Clarke, was ordered held for further consideration on March 11, 1981.

On motion of Senator Clarke, Senate Bill No. 3359 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 3049, by Senators Moore, Ridder and Kiskaddon:
Revising law relating to confidentiality of records of health care institutions.

REPORT OF STANDING COMMITTEE

February 4, 1981.

SENATE BILL NO. 3049, revising law relating to confidentiality of records of health care institutions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 27, after "boards" strike all of the material down to and including "process" on page 2, line 11

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, McCaslin.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was not adopted.

Senator Deccio moved adoption of the following amendment:

On page 1 beginning on line 29, strike everything down to and including "process." on page 2, line 11.

Debate ensued.

POINT OF INQUIRY

Senator Charnley: "Senator Kiskaddon, I guess the thing I'm just concerned about, have we left in here language which brings to effect or causes effect the point of the legislation and that was to assure the confidentiality? This is what I would like to be assured of."

Senator Kiskaddon: "Yes, the confidentiality is assured."

The motion by Senator Deccio carried and the amendment was adopted.

On motion of Senator Deccio, the rules were suspended, Engrossed Senate Bill No. 3049 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3049, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3049, 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 Ridder, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 3168, by Senators Conner, Fuller and Zimmerman:

Increasing the landowner contingency forest fire suppression account.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 3168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3168, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Hansen, Talmadge—2.

SENATE BILL NO. 3168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3121, by Senators Haley and Moore:
Deregulating the sale of prophylactics.

REPORT OF STANDING COMMITTEE

February 11, 1981.

SENATE BILL NO. 3121, deregulating the sale of prophylactics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause, insert the following:

"Section 1. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 90, Laws of 1979 and RCW 18.64.005 are each amended to read as follows:

The board shall:

- (1) Regulate the practice of pharmacy and administer and enforce all laws placed under its jurisdiction;
- (2) Prepare, grade, and administer or determine the nature of, and supervise the grading and administration of, examinations for applicants for pharmacists' licenses;
- (3) Examine, inspect, and investigate all applicants for license as pharmacists or pharmacy interns and grant licenses to all applicants whom it shall judge to be properly qualified;
- (4) Determine the fees for licenses and examinations;
- (5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;
- (6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;
- (7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;
- (8) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, and/or appoint a hearing officer to conduct such hearings;
- (9) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;
- (10) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;
- (11) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;
- (12) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter; ((and))
- (13) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of

the board when acting at the direction of the board in the course of disciplinary proceedings; and

(14) Promulgate rules to set standards of quality for condoms and enforce those standards through rules establishing procedures for seizure and destruction of non-conforming condoms."

Renumber the sections consecutively and correct internal references accordingly.

On page 1, line 1, of the title, after "vendors;" insert "amending section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 90, Laws of 1979 and RCW 18.64.005;"

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Conner, Craswell, Kiskaddon.

The bill was read the second time by sections.

Senator Haley moved the committee amendment not be adopted.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On page 3, line 30, after "rules" insert "including but not necessarily limited to"

The motion by Senator Haley carried and the committee amendment, as amended, was not adopted.

On motion of Senator Haley, the committee amendment to the title was not adopted.

On motion of Senator Haley, the rules were suspended, Senate Bill No. 3121 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3121, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Wilson—1.

Excused: Senators Hansen, Talmadge—2.

SENATE BILL NO. 3121, 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 Clarke, Senate Bill No. 3183 will be held for consideration on March 11, 1981.

SECOND READING

SENATE BILL NO. 3170, by Senators Rasmussen and Jones (by State Finance Committee request):

Providing for the payment of bond anticipation notes.

REPORT OF STANDING COMMITTEE

February 3, 1981.

SENATE BILL NO. 3170, providing for the payment of bond anticipation notes (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

On page 2, line 11, after "RCW 39.42.050" strike the remainder of the sentence and insert ": PROVIDED, That in the event such interest is not paid as provided in RCW 39.42.050 it shall be paid from such source or sources as are specified in such notes."

Signed by: Senators Rasmussen, Chairman; Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3170, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

ENGROSSED SENATE BILL NO. 3170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3181, by Senators Wojahn, Deccio and Sellar:

Revising compensation for insurance examiners.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3181, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3182, by Senators Wojahn, Deccio and Sellar:
Increasing certain fees relating to insurance.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3182, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse; Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3182, 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.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3114 was ordered held for consideration on March 12, 1981.

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 3252, by Senators Charnley, Gallagher, Ridder and Hughes:

Requiring approval and use of child safety restraints in vehicles.

The Senate resumed consideration of Senate Bill No. 3252.

On March 3, 1981, a notice of reconsideration was given by Senator Gaspard. On March 5, 1981, the Senate moved to reconsider the vote by which Senate Bill No. 3252 failed to pass the Senate on March 3, 1981.

MOTION

Senator Newhouse moved that Senate Bill No. 3252 be referred to the Judiciary Committee.

POINT OF INQUIRY

Senator Charnley: "Senator Clarke, I wondered if you might describe to me the plan for this bill in terms of hearing and action on it in your committee."

Senator Clarke: "I want to try to get it on next Tuesday's calendar, and if not, I am quite sure it will be on Thursday's for hearing."

Senator Charnley: "Thank you very much. I would reluctantly agree that this bill then be moved there. I would certainly agree that the ramifications of the bill could be considered by that committee and they certainly have the expertise to do so, and hopefully we'll see it back here in an improved form.

"Thank you very much."

The motion by Senator Newhouse carried. Senate Bill No. 3252 was referred to the Judiciary Committee.

MOTION

On motion of Senator Clarke, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3584, by Senators Goltz and Pullen:
Transferring the state archives to the secretary of state.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 3584 was substituted for Senate Bill No. 3584, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 3584 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3584, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3617, by Senator Metcalf:
Implementing law relating to use of associated student body funds.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, as I read this bill, it relates to associated student body funds."

Senator Metcalf: "Right."

Senator Rasmussen: "That's correct, then. All right, Associated student body funds are a compulsory assessment on the student that is attending the particular educational institution."

Senator Metcalf: "In high schools, I don't believe they are compulsory, at least not in the high school where I teach; I don't believe they are compulsory there."

"They have a ticket that you buy that gets you into all the games, but they are not compulsory. I think they are in colleges, I don't believe they are in high schools. Correct me if I'm wrong. . . ."

Senator Rasmussen: "Is this strictly limited to high schools?"

Senator Metcalf: "Yes, this is, to my knowledge, yes, I'm sure it is."

Senator Rasmussen: "The reason I'm asking that question, if it is a compulsory fee, they should raise their money entirely outside of the associated student body fund, and I think that, in effect, they are pretty much compulsory. And any time that you have that type of a fee, the money should only be used for public purposes of the school."

Senator Metcalf: "Again, I don't believe these are compulsory fees; but basically we're not talking about that, we are talking about special fund raising drives that various clubs that come under this rule have, that's the ones we are talking about—special fund raising drives that they have which now they cannot use those for the purposes that their fund raising drives purport."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3617, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3060, by Senators Charnley, Newhouse, Vognild and Benitz:

Authorizing wine wholesalers and retailers to provide single serving samples to customers for sales promotion.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 3060 was substituted for Senate Bill No. 3060, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 3060 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3060, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson,

Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SUBSTITUTE SENATE BILL NO. 3060, 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 Clarke, Senate Bill No. 3102 was ordered held at the end of the second reading calendar for today.

SECOND READING

SENATE BILL NO. 3129, by Senators Moore and McCaslin:

Making dental examiners board members and employees immune from legal suits.

REPORT OF STANDING COMMITTEE

February 9, 1981.

SENATE BILL NO. 3129, making dental examiners board members and employees immune from legal suits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On line 10, after "employees" and before "of" insert "and staff"

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Kiskaddon, McCaslin.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 6, at the beginning of the line, strike "Members" and insert "Except in cases of gross negligence, members"

MOTION

Senator Clarke moved that Senate Bill No. 3129, together with the adopted committee amendment and the pending amendment by Senator Pullen, be placed at the end of the second reading calendar for today.

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, in the language of the bill itself, the phrase 'in good faith' appears on line 9. It seems to me the drafters of this section clearly had in mind nothing that would be covered by your particular amendment. You could hardly be in a situation of gross negligence while you are acting in good faith, could you?"

Senator Pullen: "You certainly could; and in fact that's the problem we have with the involuntary commitment act in this state right now in which mental health officers have come in to some communities and they've strapped good, law-abiding citizens down to stretchers and carted them off to the nearest hospital, without the benefit of an attorney, and have held them there for five days; and at the end of that five days, in many cases, they've turned them loose and they've said 'there's nothing wrong with you.' Well, maybe there was nothing wrong with them before they strapped them down to the stretcher, but after the five days in the hospital, who knows what their condition would be?"

"So yes, there have been cases of gross negligence in the case of mental health officers and the involuntary commitment act; and that same act has those very same words 'in good faith' and there would be exactly no difference between that act and this one, as far as I am concerned."

POINT OF INQUIRY

Senator Moore: "With your permission Senator Clarke, I would like to ask Senator Pullen a question, if that is satisfactory to you, Senator.

"You know, when we talk about the involuntary commitment act, we are talking about gross negligence. Now how do you relate gross negligence to this bill?"

Senator Pullen: "Well, that's a very good question, and I believe that is one reason why we should take a very close look at it. For one thing, it also has criminal liability set forth in the statute and that is one of my big worries: why criminal liability? I can hardly think of a single circumstance where we've ever exempted people from criminal liability, and so I think we should take a very close look at it for that reason."

The motion by Senator Clarke carried. Senate Bill No. 3129 was ordered placed at the end of the yellow reading calendar.

SECOND READING

SENATE BILL NO. 3143, by Senators Talley, Hemstad and Zimmerman:

Modifying the authority of port commissioners to sell or convey port district property.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3143, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3153, by Senators Charnley and Zimmerman:

Requiring notice of certain city programs to be provided to counties.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3153, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3194, by Senators Vognild, Deccio and Talmadge:

Implementing law relating to electrical installations with reference to medical devices and equipment.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3194, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

SENATE BILL NO. 3194, 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.

MOTIONS

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

On motion of Senator Lee, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 4318.

On motion of Senator Lee, Senate Bill No. 4318 was rereferred to the Judiciary Committee.

On motion of Senator Lee, the Committee on Higher Education was relieved from further consideration of Senate Bill No. 4026.

On motion of Senator Lee, Senate Bill No. 4026 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Judiciary Committee was relieved from further consideration of Senate Bill No. 4081.

On motion of Senator Lee, Senate Bill No. 4081 was rereferred to the Committee on Commerce and Labor.

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 3821.

On motion of Senator Lee, Senate Bill No. 3821 was rereferred to the Committee on Financial Institutions and Insurance.

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 3389.

On motion of Senator Lee, Senate Bill No. 3389 was rereferred to the Committee on Commerce and Labor.

On motion of Senator Lee, the Committee on Energy and Utilities was relieved from further consideration of Senate Bill No. 3649.

On motion of Senator Lee, Senate Bill No. 3649 was rereferred to the Committee on Ways and Means.

At 12:36 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Wednesday, March 11, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 11, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

At 10:53 a.m., on motion of Senator Jones, the Senate was declared to be at ease.

The President called the Senate to order at 10:57 a.m.

The Color Guard, consisting of Pages Elizabeth Hartwig and Bill Murray, presented the Colors. Reverend Wallace Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1981.

SENATE BILL NO. 3015, revising law relating to privacy of records (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3258, authorizing fisheries enforcement officers to enforce all state laws (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3258 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3287, providing for conservation and small scale renewable energy development projects (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3287 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Moore, Quigg, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3379, regulating taxation of social card games (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3415, revising laws relating to health care service contracts (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3415 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3453, providing for the renovation, redevelopment, maintenance, and operation of state parks (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3453 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3605, exempting certain middle management personnel from the state civil service system (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3725, an act relating to environmental policy as applied to forest practices (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3725 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3728, modifying provisions relating to forest practices (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3728 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3745, relating to the state library newspaper collection (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3898, changing the name of the utilities and transportation commission to the public service commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3953, permitting rape to be charged by one spouse against another after a marriage dissolution action has been filed (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3965, providing funding for fish hatchery expenditures of the department of fisheries (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3965 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 4025, vacating Smith's Cove waterway (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 10, 1981.

NICHOLAS D. LEWIS, to the position of Chairman of the Energy Facility Site Evaluation Council, appointed by the Governor on January 14, 1981 for the term ending coextensive with the term of the Governor, succeeding himself (reported by Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, by House Committee on Education (originally sponsored by Representatives McDonald, Taylor, Chandler, Bond, Flanagan, Barr, Smith, Wilson, McGinnis, Struthers, Lundquist and Amen):

Implementing law relating to payment of school district personnel.

The bill was read the second time by sections.

Senator Gaspard moved the following amendments by Senators Gaspard, Bauer, McDermott, Vognild, Wojahn, Ridder, Fleming, Lysen and Conner be considered and adopted simultaneously:

On page 1, section 1, line 16, after the word "employees" strike "~~((and fix, alter, allow and order paid their salaries and compensation))~~;" and insert ", and fix, alter, allow and order paid their salaries and compensation: **PROVIDED, That the amount or percentage provided by the legislature for salary and compensation increases shall be a part of those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130; whenever a school district shall increase its average compensation levels above that amount specifically provided by the legislature in its biennial operating budget and/or supplemental budget, then such additional compensation increases shall be solely the financial responsibility of said school district, and shall not be calculated by the state when determining the average employee compensation levels of the various school districts: PROVIDED FURTHER, That the house and senate education committees shall jointly conduct a study regarding the effects of the aforesaid proviso in this subsection on school finance and basic education and shall especially consider other alternatives designed to enhance local control and the provisions of chapters 41.56 and 41.59 RCW, and report thereon to the 1982 session of the legislature;**"

On page 3, beginning on line 21, strike sections 2, 3 and 4 and renumber the remaining sections consecutively.

POINT OF INFORMATION

Senator Gould: "In an effort to give this amendment a fair hearing, would Senator Gaspard yield?"

Senator Gaspard: "Mr. President, I'd like to make a statement about yielding to questions and a precedence has been set by the new coalition. They have not yielded questions without first having the question asked, and I guess I will continue that precedent."

POINT OF INQUIRY

Senator Gould: "In that vein, my question is, you did state that special levy money could not be used for any salary increases above the state allocation, would you go that far?"

Senator Gaspard: "Senator Gould, this amendment does not affect the current statute or current language in our laws relating to special levies and the use of special levies for general salary increases. There is a prohibition in our law right now for that."

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Now if Senator Scott were willing to yield to a question, I would like to know whether the budget will be written so that districts cannot do anything in terms of increased salaries to their employees for one class or another. In other words, can beginning teachers be given more than, say 6% or 7% or whatever we provide, or once we set the percentages, does that leave no flexibility at the local level?"

Senator Scott: "Senator McDermott, in response to your question, I haven't taken the proposals in the K-12 area to caucus yet, and I'm not at liberty to say. I say, secondly, that what we are able to do hinges in great part as to whether this amendment hangs or not.

"If we are, have to look forward to more obligations over which we have no control in the form of pensions and fringe benefits and other things the state is obligated to as a result of salaries that will set higher than we set, provided for in the apportionment bill, we will have very little latitude anywhere."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendments by Senators Gaspard, Bauer, McDermott, Vognild, Wojahn, Ridder, Fleming, Lysen and Conner.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator McDermott moved adoption of the following amendment:

On page 3, line 28, strike "and or penalty"

MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 166 was ordered held, at the beginning of the calendar together with the amendment by Senator McDermott, for further consideration on March 12, 1981.

MOTION

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 12, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3120, by Judiciary Committee (originally sponsored by Senators Talmadge, Hayner and Bottiger):

Modifying provisions relating to the organized crime intelligence unit.

The Senate resumed consideration of Substitute Senate Bill No. 3120. On March 10, 1981, the following amendment by Senators Clarke and Shinpoch had been moved for adoption as amended by Senator Clarke:

On page 4, line 2, following "board," strike all material down through "terms." on page 4, line 9, and insert: "Four of the members of the board shall be retired judges of courts of record. No member shall hold any other governmental position except pro tem judge while serving on the board. After the initial term, the term of each member shall be four years. In order to accomplish a staggered termination date the initial terms to be designated by the governor shall be:

One member for a one-year term;

Two members for a two-year term;

Two members for a three-year term; and

Two members for a four-year term."

The motion by Senator Clarke carried and the amendment, as amended, was adopted.

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute Senate Bill No. 3120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3120, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator von Reichbauer—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3120, 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 Clarke, Senator von Reichbauer was excused.

SECOND READING

SENATE BILL NO. 3183, by Senators Talmadge, Hemstad, Wojahn and Sellar:

Revising laws relating to proceedings after judgments against debtors.

The bill was read the second time by sections.

On motion of Senator Hemstad, the following amendment was adopted:

On page 5, line 33, after "requested," strike "or it may" and insert "((or it may)) addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the second business day following the time as set forth on the return receipt. The writ may also"

Senator Rasmussen moved adoption of the following amendment:

On page 7, after line 32, insert the following:

"Sec. 7. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements hereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((twenty)) forty thousand dollars. The premises thus included in the homestead must be actually intended or used as home for the claimant, and shall not be devoted exclusively to any other purpose."

Renumber the sections consecutively.

POINT OF ORDER

Senator Hemstad: "I raise a Point of Order, Mr. President, that the amendment is beyond the scope and object of the bill.

"Speaking to the Point of Order, the bill deals with changes in the garnishment law. This amendment pertains to the homestead exemptions, and is an entirely different issue. There is a different bill that will be in front of this body shortly that deals with the matter that the Senator is concerned about."

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3183, as amended, together with the Point of Order raised by Senator Hemstad to the amendment by Senator Rasmussen, was ordered held for further consideration on March 12, 1981.

On motion of Senator Bluechel, Senator Fuller was excused.

SECOND READING

SENATE BILL NO. 3129, by Senators Moore and McCaslin:

Making dental examiners board members and employees immune from legal suits.

The Senate resumed consideration of Senate Bill No. 3129 from March 10, 1981. At that time, the committee amendment had been adopted. Senator Pullen had moved adoption of an amendment to page 1, line 6.

There being no objection, on motion of Senator Pullen, the amendment was withdrawn.

Senator Pullen moved adoption of the following amendment:

On line 7, after "any" insert "civil" and after "action" strike ", civil or criminal,"

POINT OF INQUIRY

Senator Deccio: "Senator Pullen, isn't the language that now exists in the bill referring to 'good faith,' isn't that standard language in most all statutes that we use as a normal procedure?"

Senator Pullen: "I wouldn't necessarily call it 'standard,' Senator Deccio. It is possible that it may occur elsewhere in the RCWs but of course that doesn't make it right."

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Pullen, the amendment to page 1, line 9, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Deccio, the rules were suspended, Engrossed Senate Bill No. 3129 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3129, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Lysen—1.

Excused: Senators Fuller, von Reichbauer—2.

ENGROSSED SENATE BILL NO. 3129, 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.

MOTIONS

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

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bill No. 3988.

On motion of Senator Lee, Senate Bill No. 3988 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 4026.

On motion of Senator Lee, Senate Bill No. 4026 was rereferred to the Committee on Higher Education.

At 12:36 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Thursday, March 12, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 12, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. There being no objection, the Senate was declared to be at ease. The President called the Senate to order at 10:48 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Angela Vrooman and Thomas Martin, presented the Colors. Dr. Paul McCann, pastor of United Churches of Olympia, offered the prayer.

MOTION

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

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

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1981-32

By Senators Hayner and Gaspard:

WHEREAS, We the members of the Washington State Senate designate Thursday, March 12, 1981, as "Washington State Employment Day"; and

WHEREAS, This day recognizes the many employed citizens who comprise our tax contributing population base, and those job-seeking persons who are pursuing gainful employment through job counseling, work orientation, testing, training, and placement activities; and

WHEREAS, It shall be known by all who read this resolution that it is the widely-accepted policy of the Senate that, in the expenditure of federal and state energies and resources, the highest priority be given to increasing employment opportunity for the citizens of Washington state; and

WHEREAS, The Senate commends the Washington Association for Performance Based Employment, known as "Employment for Washington", and all public, private, and nonprofit organizations which have joined together to create, administer, and deliver programs and services designed to assist Washington state's unemployed, technologically displaced, and those persons who for other reasons seek new career paths, to re-enter the world of work in dignified, meaningful, and productive employment; and

WHEREAS, The efforts of these organizations have prevented the disabling effects wrought by long-term unemployment, which induces reliance and dependence upon governmental support and erodes the employment base and gross product of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate today, March 12, 1981, proclaims Employment Day and goes on record as supporting and endorsing employment as a constructive and positive activity for its citizenry.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 1981.

SENATE BILL NO. 3031, establishing Washington centennial commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3031 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3204, authorizing formation of fishing associations (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3204 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

March 9, 1981.

SENATE BILL NO. 3307, tightening control of gambling activities (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3307 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3541, authorizing administration of oral medication by common school and private school personnel (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3541 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3573, providing for the succession to the duties of governor in the governor's absence (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3609, establishing a temporary committee on educational policies, structure and management and setting forth its duties, and providing for its abolishment (reported by Committee on Education):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Bottiger, Gaspard, Hemstad, Lee, Wojahn.

Referred to Committee on Ways and Means.

March 10, 1981.

SENATE BILL NO. 3721, implementing law relating to closure of school facilities and exemptions pursuant thereto under state environmental policy act (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Hemstad, Lee, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3784, revising laws relating to filing and recording documents (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed by Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3845, implementing law relating to school district authorized transportation (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3845 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3893, revising laws relating to banking (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3903, excluding weekends and holidays from definition of "banking day" (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 3975, providing for expedited review of energy facility siting decisions (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Newhouse, Quigg, Wilson, Woody.

Passed by Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 4134, exempting minor public officials from the public disclosure law (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4134 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 4313, authorizing increases in the compensation paid members of the youth development and conservation corps (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 11, 1981.

BEVERLY A. FREEMAN, to the position of Member of the Hospital Commission, appointed by the Governor on February 5, 1981 for the term ending July 16, 1984, succeeding Jon Galt Bowman (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

March 11, 1981.

JON D. SMILEY, to the position of Member of the Hospital Commission, appointed by the Governor on February 5, 1981 for the term ending July 16, 1984, succeeding Sister Charlotte Van Dyke (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, by House Committee on Education (originally sponsored by Representatives McDonald, Taylor, Chandler, Bond, Flanagan, Barr, Smith, Wilson, McGinnis, Struthers, Lundquist and Amen):

Implementing law relating to payment of school district personnel.

The Senate resumed consideration of Engrossed Substitute House Bill No. 166. On March 11, 1981, an amendment by Senators Gaspard and other had failed. Senator McDermott had moved adoption of an amendment to page 3, line 28.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved the Senate reconsider the vote by which the amendment by Senators Gaspard, Bauer, McDermott, Vognild, Wojahn, Ridder, Fleming, Lysen and Conner had failed to be adopted on March 11, 1981.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate reconsider the vote by which the amendment by Senators Gaspard and others failed to be adopted on March 11, 1981.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 22; nays, 26; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—26.

Absent or not voting: Senator Charnley—1.

The motion for reconsideration by Senator von Reichbauer failed.

The Senate resumed consideration of the following amendment by Senator McDermott that had been moved for adoption on March 11, 1981.

On page 3, line 28, strike "and or penalty"

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Mr. President, does Senator Scott yield to a question?"

President Cherberg: "Senator Scott does not yield."

Senator McDermott: "My point is made. Senator Scott says the salary schedule will not be in the budget but he doesn't say there won't be a statewide salary schedule."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDermott to page 3, line 28.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Gaspard moved adoption of the following amendment:

On page 3, line 28, after "whatsoever" strike "in excess of" and insert "which are greater or less than"

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Gaspard to page 3, line 28.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Bottiger moved adoption of the following amendment:

On page 5, line 3, strike all of new section 6 and insert a new section to read as follows:

"**NEW SECTION.** Sec. 6. This 1981 act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the Legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger to page 5, line 3.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Pullen—1.

MOTION

Senator Hayner moved the rules be suspended, Engrossed Substitute House Bill No. 166 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Hayner that the rules be suspended and Engrossed Substitute House Bill No. 166 be advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Wilson, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166 was passed to third reading, having failed to receive the required two-thirds majority to suspend the rules and advance the bill to third reading and final passage.

MOTION

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 106 will be considered on March 13, 1981.

SECOND READING

SENATE BILL NO. 3183, by Senators Talmadge, Hemstad, Wojahn and Sellar:

Revising laws relating to proceedings after judgments against debtors.

The Senate resumed consideration of Senate Bill No. 3183. On March 11, 1981, an amendment by Senator Hemstad was adopted. Senator Rasmussen had moved adoption of the following amendment and a Point of Order had been raised by Senator Hemstad:

On page 7, after line 32, insert the following:

"Sec. 7. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((twenty)) forty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimant, and shall not be devoted exclusively to any other purpose."

Renumber the sections consecutively.

RULING BY THE PRESIDENT

President Cherberg: "The President in ruling upon the Point of Order as raised by Senator Hemstad, the President finds that Senate Bill No. 3183 is a measure which deals with property which is exempt from execution and garnishment.

"The amendment proposed by Senator Rasmussen deals with homesteads which is a class of property exempt from execution.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment by Senator Rasmussen was ruled to be in order.

Debate ensued.

MOTION

On motion of Senator Clarke, Senate Bill No. 3183, as amended, was ordered held for further consideration on March 13, 1981.

SECOND READING

SENATE BILL NO. 3114, by Senators Talmadge and Hayner:

Modifying provisions relating to attorneys' fees.

The bill was read the second time by sections.

On motion of Senator Talmadge, the following amendment was adopted:

On page 2, line 9, after "~~dollars~~)" insert "incurred after the making of the final offer of settlement by the prevailing party"

Senator Talmadge moved adoption of the following amendment:

On page 2, line 19, strike all of section 4.

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, how would you frame an offer of settlement which is the mechanism that has been provided for in this bill, in an action in equity, say, involving an injunction? How could one be the prevailing party and not the prevailing party; how would you frame that offer of settlement?"

Senator Hemstad: "I do not believe that the offer of settlement . . . applied, the situation involving an injunctive action."

The motion by Senator Talmadge carried and the amendment was adopted on a rising vote.

On motion of Senator Pullen, the following amendment by Senators Pullen and Woody was adopted:

On page 2, line 11, after "action" insert the following:

": PROVIDED, HOWEVER, There shall be no award of attorneys' fees to the state of Washington or any political subdivision thereof, in any action instituted by any natural person or his or her marital community"

Senator Pullen moved adoption of the following amendment by Senators Pullen and Woody:

On page 2, line 23, after "court" and before the period insert ": PROVIDED, HOWEVER, That payment of attorneys' fees shall be mandatory when the prevailing party is a natural person or his or her marital community and the nonprevailing party is the state of Washington or any political subdivision thereof"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I need a little bit more understanding of this amendment. Now 'provided, however, that payment of attorneys' fees shall be mandatory when the prevailing party is a natural person of his or her marital community and the nonprevailing party the state of Washington or any political subdivisions thereof.'

"It seems to me that we are already paying to the Evergreen Legal Services, many instances. That's state money; is that correct?"

Senator Talmadge: "And some Federal money, yes."

Senator Rasmussen: "And some Federal money. And so that the prevailing party, how would they collect on that?"

Senator Talmadge: "They collect, Senator, . . ."

Senator Rasmussen: "Do they pay it back to the state?"

Senator Talmadge: "You can recover attorneys' fees in civil litigation if you have a statute that says you can get them if there's a contract between the parties that allows you to get them, or if there is some recognized ground of equity that allows it.

"What this bill does is create a statutory right for attorneys' fees. What Senator Pullen's amendment does is carve out a new exception that says 'aside from any offers of settlement communicated between the parties, where you have litigation between a party and the state of Washington and that party is a "natural person" and they win and the state loses, the natural person gets fees.'

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, your amendment would be related to individuals?"

Senator Pullen: "Yes, that is correct."

Senator Rasmussen: "And would be related to persons that has won his case but doesn't have any means of paying his attorney?"

Senator Pullen: "Well, it wouldn't necessarily apply just to that but to the situation where he has won his case against the state of Washington, and then the state of Washington must pay those attorneys' fees."

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 4, line 2, insert the following additional section:

"NEW SECTION. Sec. 9. There is added to chapter 34.04 RCW a new section to read as follows:

An agency which appeals under RCW 34.04.130 or 34.04.140 a final judgment of the superior court or a duly constituted hearing board in favor of any person or organization other than another agency or governmental entity shall be required to pay all reasonable attorneys' fees and court costs, as awarded by the court, of such person or organization in answering the appeal."

Renumber the sections following consecutively, and correct internal references accordingly.

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted on a rising vote.

Senator Talmadge moved adoption of the following amendment:

On page 4, line 5, add a new section following section 9 as follows:

"NEW SECTION. Sec. 10. This act shall take effect on January 1, 1982 and shall apply to all cases pending in the trial courts as of that date."

Renumber the remaining section consecutively.

Debate ensued.

The motion by Senator Talmadge carried and the amendment was adopted on a rising vote.

On motion of Senator Rasmussen, the following amendments to the title by Senators Rasmussen and Talmadge were adopted:

In line 12 of the title, after "RCW;" insert "adding a new section to chapter 34.04 RCW;"

On page 1, line 12 of the title, after "RCW;" strike "and", and on line 15, after "4.84.020" insert "; and providing an effective date"

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Senator Talmadge, this bill is in effect in Alaska, is it not?"

Senator Talmadge: "Alaska's is automatic; if you happen to be the prevailing party, you automatically get attorneys' fees whether or not any offers of settlement were communicated."

Senator Wojahn: "The question I want to ask, and this is an actual case that did occur in Alaska. A Washington citizen was killed in Alaska and apparently the family went to Alaska in order to bring suit to recover damages because of the death. And their attorney was required by, because he felt, to protect the family, to file the case in both the Federal court and also the state court, on the chance that one of them would be thrown out. If, (it was, I understand, thrown out of one of those courts), if it had been thrown out of the second court for lack of jurisdiction, then would the family have been required to pay the attorney the fees that were, the attorneys' fees even though the case was not settled?"

Senator Talmadge: "Well, it depends on the nature of the dismissal. Frequently the judge will have the suit dismissed and there'll be no cost significance attached to the dismissal. In some instances, yes, there is a dismissal of the lawsuit and costs are

also awarded. Depends on the discretion of the trial court judge. I think it does so particularly in the Alaska system."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Senator Talmadge, do you know whether or not the Plaintiffs' Attorneys' Organization has taken a position on this bill?"

Senator Talmadge: "I do."

Senator Clarke: "And do you know what that position is?"

Senator Talmadge: "They oppose the bill."

Senator Clarke: "Very well. Ladies and gentlemen of the Senate. Senator Talmadge has endeavored, in effect, to say that this is a bill which, that is, the opposition of which, would supposedly benefit big business; yet the Plaintiffs' Attorneys' Organization, who traditionally represent the small litigant, have gone on record in opposition to the bill. I just wanted to point that out because Senator Talmadge knew that and yet, in effect, he's telling you that the people who oppose it are other than the people who are, in reality, opposing it."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, Senator Clarke has indicated that some of the people that are opposed to this bill are the Plaintiffs' Lawyers' Association, or whatever that might be; and you have indicated that in maybe most instances, the people that would be affected by this would be the people that those plaintiffs' attorneys are serving, or representing on behalf of; and I guess what I would like to know, did the plaintiffs, to your knowledge, the Plaintiffs' Association of Attorneys or whatever it's called, give any reasons why they were against this bill, if this bill was supposed to help their clients?"

Senator Talmadge: "In testifying before the judiciary committee, the Washington State Trial Lawyers' Association simply indicated that they opposed the bill, as did the insurance industry.

"We have a unique situation here where Senator Clarke is arguing for the Washington State Trial Lawyers' Association, and I'm arguing for business; but I think the basic reason why the trial lawyers had a concern about this bill, is that they feel that the bill might impinge on the concept of the contingent-fee contract. Right now plaintiffs' lawyers take a case on a contingent fee contract. You have heard about that concept before. Now what that means is they agree to have the case, they agree to pay the costs out of their pocket, and then if they prevail, they get 33% of the recovery, or 40% of the recovery or whatever.

"If litigants are aware that there is a possibility that they can recover their attorneys' fees, many plaintiffs' lawyers are concerned that that may impact or impinge on their ability to work with that contingent-fee contract concept. I don't know that they spoke to that particular point directly in talking to any members of the Senate, but I believe that's probably the basic reason why they don't like the bill, or the concept of awarding costs and fees to the prevailing party."

Senator Fleming: "Could I further impose on you, Senator Talmadge?"

"And so from your explanation of the bill and why you are supporting it, and so forth, on this floor, what you're saying is that this bill would just give an additional tool in that arena to deal with; it would not eliminate contingent fees, they would just have another, the plaintiffs themselves would just have another avenue to go through this process in terms of either contingencies or recovering damages?"

Senator Talmadge: "That's my belief."

Further debate ensued.

MOTION

On motion of Senator Clarke, Engrossed Senate Bill No. 3114 was ordered placed on the third reading calendar for March 13, 1981.

NOTICE OF PROPOSED RULE CHANGE

Senator Charnley gave notice that a resolution was placed today on the desk of each member regarding a proposed rule change. He served notice that it would be considered on the next working day.

MOTION

At 12:23 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Friday, March 13, 1981.

JOHN R. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 13, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:42 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Jennifer Faker and Daniel Jellen, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 12, 1981.

SENATE BILL NO. 3304, modifying eligibility requirements for local jail improvement and construction funds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3346, applying certain laws on insurance to health care contracts (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3346 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3355, activities regulated by the State Department of Agriculture or Director thereof (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3730, requiring investment of certain municipal moneys (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 6, 1981.

SENATE BILL NO. 3731, modifying provisions relating to forest fire hazards (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3731 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3857, extending authority for use of legend drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3857 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, McCaslin, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3872, exempting certain commodity commissions from state civil service and personal services contract requirements (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3926, implementing law relating to community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 4022, providing for the transfer of the Saint Edwards Seminary to the parks and recreation commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 4209, modifying procedures for forming and financing local improvement (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4209 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, Wilson.

Passed to Committee on Rules for second reading.

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

MESSAGES FROM THE HOUSE

March 12, 1981.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 96,
ENGROSSED HOUSE BILL NO. 143, and the same are herewith
transmitted.

VITO T. CHIECHI, Chief Clerk.

March 12, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 14, and, on motion, the rules were suspended to allow additional sponsors to sign on the bill in both the House and the Senate, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 96, by Representatives Martinis, Dawson, Dickie, Scott, McGinnis, Bickham, King (R) and Struthers:
Exempting certain transactions from usury limits.
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 143, by Committee on Financial Institutions and Insurance and Representative Dawson:
Making miscellaneous changes in credit union laws.
Referred to Committee on Financial Institutions and Insurance.

HOUSE CONCURRENT RESOLUTION NO. 14, by Representatives King ((R), Polk, Stratton, Granlund, Galloway, Wang, Martinis, Gallagher, McCormick, Maxie, Nelson (D), Addison, Amen, Barnes, Barr, Barrett, Becker, Bender, Berleen, Bickham, Brekke, Brown, Burns, Cantu, Chamberlain, Chandler, Clayton, Dawson, Dickie, Eberlee, Ehlers, Ellis, Eng, Erak, Erickson, Fancher, Fiske, Flanagan, Garrett, Garson, Greengo, Grimm, Gruger, Hankins, Hastings, Heck, Hine, Houchen, Isaacson, James, Johnson, King (J), Kreidler, Lane, Leonard, Lewis, Lundquist, Lux, McDonald, McGinnis, Mitchell, Monohon, Nelson (G), Nickell, Nisbet, North, O'Brien, Owen, Padden, Patrick, Prince, Pruitt, Rinehart, Rosbach, Rust, Salatino, Sanders, Schmidt, Scott, Sherman, Smith, Sommers, Sprague, Struthers, Taylor, Teutsch, Thompson, Tilly, Tupper, Valle, Van Dyken, Vander Stoep, Walk, Warnke, Williams, Wilson and Winsley, Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman, John A. Cherberg, Lieutenant Governor, Sid Snyder, Secretary of the Senate, Marilyn Brachtenbach, Deputy Secretary of the Senate, William Gleason, Assistant Secretary of the Senate:

Honoring Warren G. Magnuson.

MOTIONS

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 14 was advanced to second reading and read the second time in full.

Senator Clarke moved the rules be suspended, House Concurrent Resolution No. 14 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

On motion of Senator Rasmussen, pursuant to the House Message on House Concurrent Resolution No. 14, all members of the Senate were permitted as additional sponsors to the resolution.

The motion by Senator Clarke carried and the resolution was unanimously adopted.

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, by House Committee on Education (originally sponsored by Representatives McDonald, Taylor, Chandler, Bond, Flanagan, Barr, Smith, Wilson, McGinnis, Struthers, Lundquist and Amen):

Implementing law relating to payment of school district personnel.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 166 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—26.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hurley gave notice that she would, on the next working day, move to reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, I want to raise a point of parliamentary inquiry."

President Cherberg: "The Senator will please state his point."

Senator McDermott: "Mr. President, on the basis of a newspaper article which appeared in, this morning's Seattle Post Intelligencer, and in order to preserve the stability of the institution of the Senate, I would like to ask a question, Mr. President."

President Cherberg: "For what purpose does Senator Clarke rise?"

Senator Clarke: "Well, if he wants to make a parliamentary inquiry, that is in order; it didn't sound to me like that is what he is doing."

Senator McDermott: "My question, Mr. President, is, when this Senate initially convenes as a publicly elected body, determines its membership, elects its officers

Senator Clarke: "Mr. President . . ."

Senator McDermott: ". . . selects its committees. . ."

Senator Clarke: "Mr. President . . ."

President Cherberg: "Senator Clarke."

Senator Clarke: "The parliamentary inquiry has to do with a matter presently before the Senate, and if it is not, I would suggest that it is out of order."

Senator McDermott: "Mr. President, may I speak, well, I'll let you . . ."

Senator Clarke: "I'm asking the question as to whether the parliamentary inquiry . . ."

Senator McDermott: "Yes, it does, Senator Clarke. . ."

Senator Clarke: ". . . has to do with something presently before the body."

Senator McDermott: "Yes it does."

Senator Clarke: "What is that that is presently before the body that . . ."

Senator McDermott: "Senator Clarke, the organization of the Washington State Senate, I think is fundamental to the passage of every single bill. This is a fundamental parliamentary question I am raising."

Senator Clarke: "Mr. President, if he wishes to ask a specific question relating to the organization of the Senate, then we can make a determination as to whether it is in order; but I do not think that it should be prefaced by some sort of a speech."

POINT OF ORDER

Senator Fleming: "Mr. President, I think it is pretty difficult for us to determine what Senator Clarke is asking unless we hear what the speaker is going to ask."

President Cherberg: "Senator McDermott, will you please state your question."

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, my question is this: when this Senate initially convenes as a publicly elected body; determines its membership, elects its officers, selects its committee chairmen, membership and staff, adopts its permanent rules or relies on the permanent rules of the previous biennium and notifies the House of Representatives and the Governor that it is organized and ready to conduct the public business; then for the sake of the institutional stability and integrity of this Senate as a public body, is this Senate permanently organized for the biennium so as to efficiently and orderly accomplish the public business?"

POINT OF ORDER

Senator Clarke: "Mr. President, Point of Order. The inquiry does not relate to a matter currently before the presiding officer for determination and is therefore out of order."

Senator McDermott: "Mr. President, may I speak?"

President Cherberg: "Senator McDermott."

Senator McDermott: "Mr. President. It seems to me, Senator Clarke, that it is a little bit difficult to rule out a question of the fundamental organization of the Senate as not affecting every single issue that we do on this floor; and for you to say that a parliamentary inquiry about the organization of the Senate is out of order, is almost laughable."

Senator Clarke: "Well, Mr. President, there is nothing before the President to make a ruling at the present time; and this is a wide objective inquiry as to a possible philosophy, and I think it is definitely out of order at the present time. Points of order must be restricted to matters that are currently before the presiding officer for determination. There is no specific question before the presiding officer for determination which relates to the inquiry made by Senator McDermott."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Hate to disagree with my good friend Senator Clarke, but parliamentary inquiries occupy a peculium of position. They are the nature of privileged motions and are indulged in at the pleasure of the presiding officer, to enable the assembly to understand the effects of the proposed action. The presiding officer always answers them unless the answer would anticipate the decision of a point of order which he may have preferred to discuss before deciding, so the parliamentary inquiry has a special privilege and it allows the presiding officer, if he wishes, to have time to decide the question raised by the parliamentary inquiry, Senator Clarke. This is from Reed's Rules and I would think that they are in order and that the presiding officer should have that right."

Senator Clarke: "I might ask Senator Rasmussen what proposed action is presently before the body which, in reading from rules, reads 'The point of inquiry must be made with respect to some proposed action presently before the body,' and there is no proposed action presently before the body as to which a point of inquiry may be raised."

Senator Rasmussen: "Senator Clarke, we started out with a motion to reconsider and then we got into a parliamentary inquiry to find out whether we're proceeding in the right direction, and with the organization of the Senate which is a very important question to be asked."

Senator Newhouse: "In answer to Senator Rasmussen, there is no reconsideration before us. Notice of reconsideration was given, the President has announced it, no longer before us, it will be on Monday."

POINT OF ORDER

Senator Fleming: "Did you announce the notice of . . ."

President Cherberg: "The President announced that Senator Hurley had given notice of reconsideration and that Senator Hurley would move, on the next working day to reconsider the vote by which the measure was lost."

Senator McDermott: "Mr. President, may I explain my point of parliamentary inquiry?"

President Cherberg: "The President would like to make a remark . . ."

Senator McDermott: "I respectfully accept the remark."

President Cherberg: "There is no question in the President's mind that you have made a very important and complex inquiry; and the President believes that it is a question that should be very carefully researched and to carefully try to determine a proper answer. With the consent of the Senate, the President would prefer to have the privilege of deferring answering until some time next week."

Senator McDermott: "Mr. President, may I make some remarks that I would hope would be a part of your consideration as the maker, the raiser of the point?"

President Cherberg: "If there is no objection . . . the President believes there will be an objection. Senator Clarke."

Senator Clarke: "Yes, there is an objection. I think the matter has been adequately covered and the President has asked for time and I think it should sit there for the present time."

President Cherberg: "The President believes the objection is justified, Senator, but I would be welcome discussing the situation with you at your convenience."

MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 16, 1981.

On motion of Senator Bottiger, Senate Bill No. 3183 will be considered following Senate Bill No. 3385.

On motion of Senator Bottiger, Senate Bill No. 3114 will be considered following Senate Bill No. 3183.

PERSONAL PRIVILEGE

Senator McDermott: "Mr. President, since it is now the determined policy of the majority to not allow the raiser of a point, parliamentary inquiry, to make his remarks, I would request permission to place in the journal, my remarks."

President Cherberg: "The rules provide that you may do so, Senator."

STATEMENT FOR THE JOURNAL

On the Parliamentary Inquiry of March 13, 1981:

Whether the Senate, once initially organized, is then permanently organized for the biennium

Washington State follows the national legislative model of our founding fathers. The Senate has been structured to be more deliberative and stable, the House more immediately responsive to the people. The Senate is smaller in number, longer in terms which are staggered. Its presiding officer is elected for four years. Its members are part-time and it meets for a limited period. Therefore, organizational integrity and stability are essential to the accomplishment of its purpose and to the perpetuity of free government.

Historically, there has never been a reorganization. Coalitions have formed initially and later on substantive issues, but not on reorganization. There is no specific constitutional provision, state statute or rule providing for reorganization.

"Permanent organization for the biennium" is a fundamental constitutional principle which has never been violated. It is supported by the constitutional provisions for legislative vacancy which provide for party and governmental continuity. It prevents no member(s) from voting and politically aligning when and as they see fit. It does prevent the chaos, economic waste and disruption of shifts and rumored shifts during a close majority.

The question is constitutional (Art. 1 Sec. 32 Wash. Const.). In the best interest of Washington State, it should be answered in the affirmative.

Signed: Senator Jim McDermott

SECOND READING

SENATE BILL NO. 3150, by Senators Zimmerman, Bauer and Wilson:
Modifying library district boundary provisions.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3150 was substituted for Senate Bill No. 3150 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the following amendment was adopted:

On page 2, after line 10, insert the following:

"Sec. 2. Section 8, chapter 119, Laws of 1935 as last amended by section 3, chapter 122, Laws of 1965 and RCW 27.12.190 are each amended to read as follows:

The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In

In counties and rural county library districts five trustees shall be appointed by the board of county commissioners. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the boards of county commissioners of each of the counties included in a district. The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds. A library trustee in the case of a city or town may be removed only by vote of the legislative body. A trustee of a county library or a rural county library district library may be removed for just cause by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing. A trustee of an intercounty rural library district may be removed by the joint action of the board of county commissioners of the counties involved in the same manner as provided herein for the removal of a trustee of a county library."

Renumber the sections consecutively.

On motion of Senator Zimmerman, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "27.12.010;" insert "amending section 8, chapter 119, Laws of 1935 as last amended by section 3, chapter 122, Laws of 1965 and RCW 27.12.190;"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Substitute Senate Bill No. 3150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Shinpoch: "Senator Zimmerman, can the annexation of a, let us say city library or town, is that a unilateral action or does it require their concurrence?"

Senator Zimmerman: "It requires a vote of the people to be able to do this; it's a matter of an election approval of both, of the whole group has to be a vote on it, it is a voted situation, not something that happens without the concurrence of both."

Senator Shinpoch: "The thrust of my question, is, can it be a one-sided, can it be a grab by one, by the county library of a city library, can they come in and force a vote if the legislative body of that city did not desire to do that?"

Senator Zimmerman: "We have particularly left out cities above 100,000 so that there would be no, actually no concern . . ."

Senator Shinpoch: "I don't have one of those, my concern is one like 26,000 and one was 31,000. Could the county library district come in and force a vote even if the legislative body of the city, or, under 100,000, not desire to join the county library?"

Senator Zimmerman: "It is my understanding they cannot do that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3150, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3373, by Senators Moore and Haley:

Revising laws regulating veterinarians.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 3373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3373, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3373, 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.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Newhouse, the appointment of Keith A. Angier as Director of the Department of General Administration, was confirmed.

APPOINTMENT OF KEITH A. ANGIER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hughes, Lysen—2.

Absent or not voting: Senator Goltz—1.

MOTION

On motion of Senator Metcalf, the appointment of Hugh Fowler as Director of the Department of Emergency Services, was confirmed.

APPOINTMENT OF HUGH FOWLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Fleming, McDermott, Moore—3.

MOTION

On motion of Senator Metcalf, the appointment of Hector Luis Torres as Director of the Department of Veterans Affairs, was confirmed.

APPOINTMENT OF HECTOR LUIS TORRES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

MOTION

Senator Gould moved the Senate confirm the appointment of Robert W. Bratton as Chairman of the Utilities and Transportation Commission.

POINT OF INQUIRY

Senator Lysen: "Senator Gould, I was trying to recall in testimony before the committee; as I recall, I am not absolutely sure I am correct; I would like your memory on this.

"Did Mr. Bratton say that he favored construction work in progress, be placed in statute like House Bill 435 which we had the struggle over before? I recall that, my recollection was that he did indicate he was. Is that correct?"

Senator Gould: "I really don't recall; perhaps one of the other members can. I do not recall that question."

Senator Lysen: "I think it is quite important that we find this out because if it is a policy issue when utility rates are going to be going up in dramatic proportions in the course of his term, that we know his view on that. I guess I would ask that, unless that question can be answered, that it be held until we can find out an answer."

POINT OF INQUIRY

Senator Gould: "Senator Lysen, you were at the committee hearing; did you ask the question?"

Senator Lysen: "I was at one of the hearings; he appeared twice. We did get into that at some point but he wasn't, as I recall, aware of what the term even meant at the time and we tried to become informed on that issue. I guess if we are going to go ahead here, I would urge that we, well I guess I am going to ask the body that this be held . . . we can find that out."

POINT OF INQUIRY

Senator Guess: "Senator Lysen, would you state your question about the gentleman?"

Senator Lysen: "The question, Senator Guess, is 'does the nominee for the chairmanship of the utilities and transportation here in the state of Washington, support construction work in progress, the billing of bills, utilities for the amount of money they have invested, before the power is sold?' As you are aware of, be placed into the statutes right now since the . . . rule is that it is up to the discretion of the commission to take each case on a case-by-case basis. We had a bill here before the legislature a few years ago which would have made it mandatory, if you may recall House Bill 435.

"And I would . . ."

Senator Guess: "Senator Lysen, I would say that it would be eminently unfair to any commissioner coming on a commission to engage him into a discussion on whether or not he opposes or does not oppose a matter that is not before the legislature. If the legislature so chooses to pass the bill, then I think it will do so in its own wisdom; but it seems to me that to condition the approval of somebody that has the approval of the committee, is certainly not productive of good relations."

Senator Lysen: "Well, I am proceeding here in the best fashion I can, Senator Guess, trying to represent my views and my constituency and I think that if it hadn't been for Chairman Brazier a few years ago, taking a very definite and forthright stand on that issue, I think the bill would have passed before. So I think it is quite important that we know this because it is a very important policy question that the ratepayers and most citizens of this state are going to have to endure, this very important issue."

REMARKS BY SENATOR GOULD

Senator Gould: "Senator Lysen, I was just informed by the staff that the question was never asked as whether it should be in law, but when it was asked as his personal feeling on the issue, he said it should be taken on a case-by-case basis. And that was his response."

REMARKS BY SENATOR LYSEN

Senator Lysen: "Thank you very much. That is the response I would hope that he would make."

The motion by Senator Gould carried.

APPOINTMENT OF ROBERT W. BRATTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 3; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Conner, McDermott, Moore—3.

Absent or not voting: Senator Newhouse—1.

MOTION

On motion of Senator Metcalf, the appointment of Fred Huleen, as a member of the State Personnel Board, was confirmed.

APPOINTMENT OF FRED HULEEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Bottiger, Patterson—2.

MOTIONS

On motion of Senator Lee, Senator Fuller was excused.

On motion of Senator Shinpoch, Senator Hurley was excused.

MOTION

On motion of Senator Metcalf, the appointment of Carl G. Westine, as a member of the State Personnel Board, was confirmed.

APPOINTMENT OF CARL G. WESTINE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Deccio, Hayner—2.

Excused: Senators Fuller, Hurley—2.

MOTION

On motion of Senator Jones, Senator Hayner was excused.

MOTION

On motion of Senator von Reichbauer, the appointment of M. R. Flavel as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF M.R. FLAVEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Fuller, Hayner, Hurley—3.

MOTION

At 12:19 p.m., on motion of Senator Jones, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

JOINT SESSION

At 1:30 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of Memorial Services for deceased members.

MEMORIAL PROGRAM

Presiding: President of the Senate John A. Cherberg
Chairperson: Representative John L. O'Brien

INVOCATION

by

Father William Treacy

Our Lady of the Lake Catholic Church, Seattle

"May God's peace and compassion be with you, the family members, fellow legislators, and friends of those whom you recall in this memorial service. It is my privilege, for which I am grateful, to ask God to be with us in this memorial service. Many times these members voted in these chambers on various issues. Today they call us to cast a vote for them. It is a single issue vote; one of the more important votes we can cast, one of the most crucial votes they ever cast, too. It is this: We are asked to vote in the inner sanctuaries of our hearts as we recall their memories to affirm the belief that they are still alive—more fully alive than ever—sharing in the mystery of a new spring with a God who renews our earth each year.

"Almighty God, Giver of Life, we see the evidence of Your power and might in the magnificent blossoms appearing on the hitherto bare branches of our trees. New life is literally bursting out all over after the death of winter. Give to each of us the assurance that death is for the winter for which we passed towards a new and eternal spring. As we honor these loved ones today in this memorial service, they call us to cast a unanimous vote along nonpartisan lines, without regard to church or creed, that the last of life is truly the best for which the first was made. For peace and hope to sustain us along the road of life to comfort us in moments like this, we thank You, God. Amen."

MASTERWORKS ENSEMBLE

Gary Riley, Director

Ubi caritas (Where Charity and Love Are,
there is God)

Maurice Durufle

Blessed is the Man Jane Marshall

MEMORIAL TRIBUTE

by

Representative John L. O'Brien

"We are assembled today to pay a fitting tribute to the lives and services of distinguished former members of the Senate and the House of Representatives of the State of Washington, who have passed from among us during the last two years. The Forty-seventh Legislative Session of the State of Washington conveys its respect on behalf of the people of our state to these deceased legislators who once sat in the hallowed chambers of the House and Senate, answered roll calls on sometimes critical and perplexing measures, attended committee meetings, and at all times served to the best of their ability to make our state a better place to live. They have passed to their eternal reward; however, their achievements, records and valued services are recorded in the journals of the Senate and House and are a permanent part of the history of the state of Washington. We express our sympathy to the bereaved families and friends and share with them on this occasion the happy memories of the legislators who served beyond their call of duty and responsibilities, loved the state of Washington and left a legacy of dedicated public service that will remain always in our hearts."

CANDLE SERVICE

IN MEMORIAM

In tribute to the memories of our distinguished former members of the House and Senate who have passed from among us during the preceding biennium, the Forty-Seventh Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

In Memory of:

Norman B. Ackley
Eric O. Anderson
Cecil C. Clark
Henry W. Cramer
Norwood Cunningham
Victor F. DeGarmo
Dewey C. Donohue
Chester D. Forsee
F. Stuart Foster
Robert M. French
Donald G. Garrett
John Goldmark
Ernest C. Huntley
Axel C. Julin
James Keefe
Chet King
Harry F. Kittleman
Clifford O. Moe
Marshall A. Neill
Gordon W. Richardson
Alva Ruark
Theodore F. Schroeder
James T. Sullivan

Tribute by

Representative Georgette Valle
Representative John Erak
Senator Irving Newhouse
Representative William Ellis
Representative Michael E. Patrick
Senator A. L. "Slim" Rasmussen
Representative P.J. "Jim" Gallagher
Senator Jack Metcalf
Senator Alex Deccio
Representative Helen Fancher
Representative Noel Bickham
Senator Bruce Wilson
Speaker Pro Tem Otto Amen
Speaker William Polk
Senator Margaret Hurley
Representative Carol Monohon
Representative Joan Houchen
Representative S.E. "Sid" Flanagan
Senator E. G. "Pat" Patterson
Representative Ren Taylor
Representative Eugene A. Prince
Senator Mark Gaspard
Senator Donn Charnley

Flower Tribute by Members of the Senate and House of Representatives

The Lord's Prayer by Malotte and Charles Pailthorpe, The Evergreen
How Great Thou Art by Carl Boberg State College and

Seattle Opera Association

Accompanist, Jane Edge -- Adjunct Faculty, St. Martin's College

Amazing Grace by John Newton Ralph Munro, Secretary of State

BENEDICTION

by

Reverend Richard Hart, M. Div.

Senior Pastor, First Baptist Church, Olympia

"Heavenly Father, as we have acknowledged with grateful hearts the memory of those who have served the people of the State of Washington, we have been reminded once more that life is a unique gift from Your creative power, and we give thanks. As their lives reached out to others, grant to each of us the wisdom, grace and courage to give our life to others in Your name. As we affirm the victory of life over death, both now and eternally, we pray that we may also experience that special blessing which comes from knowing that at least for this day we have labored together.

In the Name of Christ, our Lord, Amen."

Taps Bugler PFC Gregory Pullin, 133rd Army Band

Color Guard NCOIC - SSG Larry L. Perez

SP4 Jeffrey A. Barnes

SP4 David A. Rood

Darrell L. Van Wormer

Co. A-3rd Bn. 161st Inf. (M)

The President of the Senate John A. Cherberg, announced the closure of the Memorial Service.

The President called the Senate to order at 2:18 p.m.

MOTION

At 2:20 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Monday, March 16, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia; Monday, March 16, 1981.

The Senate was called to order at 10:30 a.m. by President Pro Tempore Guess. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Lysen, Rasmussen and Talmadge. On motion of Senator Ridder, Senators Lysen and Talmadge were excused.

The Color Guard, consisting of Pages Cindy Hamilton and Janet Christensen, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 11, 1981.

SENATE BILL NO. 3522, allowing the current use valuation of perennials under the Open Space Taxation Act (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 3522 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3552, conforming with federal unemployment compensation legislation (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 13, 1981.

SENATE BILL NO. 3581, authorizing utility districts to supply water to other entities (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 13, 1981.

SENATE BILL NO. 3623, modifying the supervisor of water resources responsibilities in determination of water rights (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3623 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3639, modifying provisions relating to the state auditor (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Gaspard, Hughes, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3641, permitting penalties and interest on late reports and contributions relating to social security coverage of government employees (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3752, authorizing certain joint actions by private schools and public agencies (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3780, revising the Securities Act (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 3780 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3795, requiring the payment of premiums for health care services to the employer during labor disputes (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3844, prohibiting legislators from accepting campaign contributions during the legislative session (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3844 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Conner, Gould, Metcalf, Woody.

Passed to Committee on Rules for second reading.

March 13, 1981.

SENATE BILL NO. 4027, modifying provisions relating to deckhands on charter boats (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Lysen, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 4033, establishing an auditing services revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Gaspard, Haley, Hughes, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 10, 1981.

SENATE BILL NO. 4142, relating to public disclosure (reported by Committee on Constitutions and Elections):

Recommendation: That Substitute Senate Bill No. 4142 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 13, 1981.

SENATE BILL NO. 4159, permitting the temporary transfer of water during water shortage conditions (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 4159 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Clarke, the Senate commenced consideration of gubernatorial appointments.

MOTION

On motion of Senator Quigg, the appointment of Ruth Balkema Prins as a member of the Public Broadcasting Commission, was confirmed.

APPOINTMENT OF RUTH BALKEMA PRINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Charnley, Newhouse—2.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Lysen, Talmadge—2.

MOTION

On motion of Senator Pullen, the appointment of Marjorie J. Kafer as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF MARJORIE J. KA FER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Lysen, Talmadge—2.

MOTION

On motion of Senator Pullen, the appointment of Valoria Ann Loveland as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF VALORIA ANN LOVELAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Rasmussen—1.

Excused: Senator Talmadge—1.

MOTION

On motion of Senator Quigg, the appointment of Jane Rae Wilkinson as a member of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF JANE RAE WILKINSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Talmadge—1.

STATEMENT FOR THE JOURNAL

I would have voted "aye" on the confirmation of RUTH BALKEMA PRINS as a member of the Public Broadcasting Commission; MARJORIE J. KA FER as a member of the Public Disclosure Commission; VALORIA ANN LOVELAND as a member of the Public Disclosure Commission; and JANE RAE WILKINSON as a member of the Public Employment Relations Commission. I was testifying before the House Law and Ethics Committee on Senate Bill No. 3158, the product liability bill.

SIGNED: SENATOR PHIL TALMADGE

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Deccio, the appointment of Alan J. Gibbs as Secretary of the Department of Social and Health Services, was confirmed.

APPOINTMENT OF ALAN J. GIBBS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Conner—1.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of the measures on the Consent Calendar.

SECOND READING

SENATE BILL NO. 3214, by Senators Zimmerman, Bauer and Hughes:
Providing for the sale of early milk to persons with multiple sclerosis.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3214 was substituted for Senate Bill No. 3214 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 3214 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3214, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 3214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3221, by Senators Goltz, Jones and Charnley:

Exempting certain students from other states from nonresident portion of tuition and fees where admitted to University of Washington dental school under contracts with certain other western states.

The bill was read the second time by sections.

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 3221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, what I am wondering is why this requires special legislation when under the WICHE agreement, why, this is already permitted?"

Senator Goltz: "Well, there are other ways of handling this kind of an arrangement. This arrangement is somewhat different from the WICHE arrangement. This arrangement is a direct contract between the participating states, and the participating states would sooner participate in this form. What they do, is they contract with a number of students, for example in the state of Utah, who will be required to come back to the state of Utah to provide dental services in that state.

"Under the WICHE arrangement that is not necessarily true."

Senator Rasmussen: "What you are saying then, we should abolish WICHE and go with individual state agreements."

Senator Goltz: "I think we should allow both programs to exist, but they are for different purposes and serve different needs."

POINT OF INQUIRY

Senator Wojahn: "Senator Goltz, is this going to mean that because we're taking in students from other states that we're going to deny slots to students in the state of Washington? We have been through this with the medical program and we slugged it out and we lost when it was vetoed by the Governor"

"Now I want to know, is this going to deny a Washington state student, dentistry student, the right to take dentistry at the University of Washington?"

Senator Goltz: "Senator Wojahn, I think, in all fairness, it has to be said that there are a limited number of spots at the University of Washington for dental students. I'm not sure of the exact number. I believe it is something in the neighborhood of 125. When a slot is taken, these slots will be limited from, people from outside of the state of Washington. It will, of course, make it impossible for a Washington student to have that slot.

"The program, however, is backed by the U.S. Federal government with the assumption that the regional resources at the University heavily supported by the Federal government, should be extended to other states in the region."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3221, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—45.

Voting nay: Senators Moore, Rasmussen, Talmadge, Wojahn—4.

SENATE BILL NO. 3221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3238, by Senator Gaspard:

Repealing law relating to state school building systems project.

The bill was read the second time by sections.

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3238 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3238, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3239, by Senators McDermott and Gaspard:

Repealing law providing for division of special education service known as division of recreation.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3239 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3239, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3240, by Senators McDermott and Gaspard:

Modifying certain laws relating to course instruction in the common schools.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3240 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3240, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3241, by Senators Gaspard:
Implementing law relating to publication of school code.

REPORT OF STANDING COMMITTEE

February 10, 1981.

SENATE BILL NO. 3241, implementing law relating to publication of school code (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3 after "provided" insert "in such numbers as determined by the superintendent of public instruction"

Signed by: Senators Gaspard, Chairman; Fleming, McDermott, Talmadge.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 3241 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3241, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3254, BY Senators Wojahn, Gould, Woody and Ridder:

Making available braille and/or taped transcripts of the voters' and candidates' pamphlets.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 3254 was substituted for Senate Bill No. 3254 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 3254 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3254, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vogniild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Hayner—1.

SUBSTITUTE SENATE BILL NO. 3254, having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of act.

SECOND READING

SENATE BILL No. 3301, by Senators Wilson, Bauer, Charnley, Fuller, Gould, Hansen, McCaslin, Talley and Zimmerman:

Permitting counties to set the rates at which fines of county prisoners are reduced.

The bill was read the second time by sections.

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Pullen, Lee, Zimmerman and Talmadge:

On page 2, after line 9, insert the following:

"NEW SECTION. Sec. 3. (1) Upon a person pleading guilty to or being convicted of a crime against another person or property in the state, in addition to any other fine or penalty, the court shall levy an assessment of twenty-four dollars for each felony and twelve dollars for each misdemeanor or gross misdemeanor.

(2) When any full deposit of bail is made by a person who is not in custody and who is charged with a misdemeanor or gross misdemeanor, the person making the deposit shall also deposit a sufficient amount to include the assessment required by this section. A person upon whom an assessment has been levied is entitled to a refund of the assessment if the person is acquitted or the charges are withdrawn.

(3) The assessment imposed under this section shall be divided in the following manner:

(a) One-half shall be deposited in the crime victim compensation fund and shall be allocated to the payment of claims made under chapter 7.68 RCW;

(b) One-half shall be deposited in the county victims assistance fund hereby created in the state treasury. Moneys deposited in the fund shall be administered by the department of labor and industries for allocation exclusively to comprehensive county programs for crime victims and witnesses.

NEW SECTION. Sec. 4. (1) The department of labor and industries shall establish fiscal guidelines for the distribution of moneys designated in section 3 of this act for the assistance of comprehensive county programs and shall determine the eligibility status of receiving programs in consultation with the Washington victim/witness coordinating council.

(2) It is the intent of the legislature that funds distributed under this section to comprehensive county programs shall be supplementary to established funding by local governments and that this local funding shall not be supplanted.

(3) Funds distributed under this section shall be made available to those public nonprofit agencies for the assistance of victims and witnesses which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime;

(b) Are administered by the county prosecuting attorney;

(c) Assist victims in the restitution and adjudication process;

(d) Are recognized by the county legislative authority as the major provider of comprehensive services to victims and witnesses; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under chapter 7.68 RCW.

NEW SECTION. Sec. 5. Moneys held by the county clerk which have been paid by defendants for restitution to victims of crime shall be returned to the local county program for victims and witnesses if the victim cannot be located. These moneys shall be used to assist other victims of crime and shall not revert to the general fund.

NEW SECTION. Sec. 6. Sections 3 through 5 of this act shall constitute a new chapter in Title 7 RCW."

POINT OF INQUIRY

Senator Scott: "Senator Gaspard, what is the history in other states about the collection of these monies? Presumably, a good proportion of these people have been feeling the heat and some of them aren't going to have twelve dollars, and who decides who doesn't pay in events like that? What are the mechanics of it?"

Senator Gaspard: "In cases where the victim, or the offender may not have the money, that when they do go out on work release or prison industries, that they do have to pay that money to the work that they would provide."

MOTION

On motion of Senator Clarke, Senate Bill No. 3301, together with the pending amendment by Senators Gaspard, Pullen, Lee, Zimmerman and Talmadge, was ordered placed at the beginning of the second reading calendar for March 17, 1981.

SECOND READING

SENATE BILL NO. 3336, by Senator Gaspard (by Superintendent of Public Instruction request):

Implementing law relating to certification of personnel employed in schools.

REPORT OF STANDING COMMITTEE

February 10, 1981.

SENATE BILL NO. 3336, implementing law relating to certification of personnel employed in schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 12, after "instruction," strike "or his or her designee"

Signed by: Senators Gaspard, Chairman; Craswell, Fleming, Hemstad, Kiskaddon, Talmadge.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 3336 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, you took out 'his or her designee' in the upper parts of the bill. Why didn't you take it out on the lower portion also on line 31?"

Senator Kiskaddon: "The whole purpose of the bill was to make it possible for some parts of this process for the superintendent to have someone else sit in on the hearing rather than himself. So we only took it out on the final decision-making where a certificate would actually be revoked, that we said, 'Mr. Superintendent, you must do that.'

"The rest of the process, we were leaving it up to the designee. I think Senator Gaspard, when he describes the purpose of the bill, can make that more clear."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3336, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3338, by Senator McDermott (by Superintendent of Public Instruction request):

Repealing obsolete provision relating to minimum guarantee to school districts for 1974-75 school year.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I guess my only question would be, Senator, why didn't you incorporate all these bills into one substitute bill? They are all Title 28A and I know how everybody wants to save money."

Senator Kiskaddon: "Well, these particular bills were put in and out of the committee as they came in before I became chairman. So I didn't have any part of that decision-making process."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, in order to respond to Senator Rasmussen, I might point out that these are all superintendent of public instruction bills and we thought that each of them should have been handled separately and we did so."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I should point out that the superintendent of public instruction takes the biggest portion of the state's budget; he should be very cognizant of saving money."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3338, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3356, by Senators Hansen, Deccio and Gaspard:

Revising procedures for irrigation district elections.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3356, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3372, by Senator Newhouse:

Increasing penalties for telephone or telegraph fraud.

The bill was read the second time by sections.

Senator Woody moved the following amendments be considered and adopted simultaneously:

On page 1, line 22 after "(a)" strike "Fifty" and insert "Two hundred and fifty"

On page 1, line 24 after ";" insert "or"

On page 1, line 25 after "(b)" strike all the material down to and including "felony." on line 28 and insert "One thousand dollars in the aggregate, then such person shall be guilty of a class C felony."

Debate ensued.

MOTION

On motion of Senator Clarke, Senate Bill No. 3372, together with the pending amendments moved for adoption by Senator Woody, was ordered placed at the beginning of the second reading calendar for March 17, 1981.

SECOND READING

SENATE BILL NO. 3388, by Senators Quigg, Talley and Patterson:

Authorizing county transportation authorities to provide public ambulance services upon voter approval.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 3388 was substituted for Senate Bill No. 3388 and the substitute bill was placed on second reading and read the second time in full.

Senator Quigg moved adoption of the following amendment:

On page 3, after line 34, insert the following:

"Sec. 3. Section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All taxes levied and collected under RCW 35.58.273 shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

No municipality may use any of the proceeds of the taxes levies and collected under RCW 35.58.273 for the purpose of financing ambulance services nor shall the expenditure of sales and use tax authorized pursuant to RCW 82.14.045 for ambulance services be counted as locally generated tax revenues for apportionment and distribution of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, in the manner prescribed by chapter 82.44.RCW as now or hereafter amended.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35.58.273 shall be levied, collected and applied as provided by law to pay or secure the payment of any bonds issued by such municipality after such date but before May 14, 1979, for authorized public transportation purposes."

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3388, together with the amendment moved for adoption by Senator Quigg, was ordered placed at the beginning of the second reading calendar for March 17, 1981.

SECOND READING

SENATE BILL NO. 3449, by Senators Hayner and Gaspard:

Abolishing certain accounts for high school districts used for moneys from non-high districts.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3449 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3449, and the bill passed by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3514, by Senators Lee, Ridder and Wojahn:
Correcting terminology by using the term councilmember.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3514 was substituted for Senate Bill No. 3514 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3514 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3514, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Craswell, Deccio, Gallagher, McCaslin, Metcalf, Quigg, Rasmussen—7.

SUBSTITUTE SENATE BILL NO. 3514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3532, by Senators Metcalf and Peterson:

Permitting the use of renewed vehicle license for a full twelve-month period.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3532 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Metcalf, as we all know when you license your vehicle, you also have an excise tax that picks up the actual, the major portion of that bill is the excise tax which is a tax in lieu of a property tax.

"I am wondering whether or not this bill also includes the excise tax?"

Senator Metcalf: "It was not my intent to do that, but I can't answer the question specifically. If anyone would like to hold the bill over to check that, we certainly can but that was not my intent. It does seem, however, that if the person buys the vehicle on the date that he gets the vehicle and pays for a year, the excise tax was licensed, he should get a year, a twelve-months' period. That's the intent of the bill.

"There will be a small fiscal impact for this bill, of course, but it is relatively small; I don't remember exactly what it is."

Senator Patterson: "I really was not referring to the small loss as far as the registration fee is concerned. I am concerned that who pays, whose property is it at that point in time, and whether or not the property tax or the excise tax is also going to be deferred and passed with no payment for that back year."

Senator Metcalf: "Okay, thank you very much. I see the point that you are making. It seems to me that it would be unfair to charge the new owner with the property tax on that vehicle for the period of time before he bought it. I think that that is unfair and I would not like to see that."

POINT OF INQUIRY

Senator Bottiger: "Mr. President, perhaps if I state the question slightly different, Senator Patterson's point and my point would be understood.

"I have got a horse trailer and a camper and other things that are used only in the summer; and if, by constantly switching titles between my daughters, I could have, only have to pay for, in a sense, one-third of a year. There would be a substantial fund if you consider the excise tax as well, because we just wouldn't renew until we got into the trailering season."

Senator Metcalf: "Well, I had tried to write the bill in such a way as to solve a very real problem that we had. I had not thought of ways to beat the state out of some money. If anyone has an amendment they would like to offer or to hold the bill over a day and look at it again to be sure we are not doing some of the things that Senator Bottiger has, it seems to me, raised a point that we'd better answer. And I have no objection to holding the bill until we can answer that question."

Senator Bottiger: "Senator, there are a lot of people out trying to beat the state out of money."

POINT OF INQUIRY

Senator Hansen: "Senator Bottiger, while you are transferring this horse trailer and the trailer and the car from one daughter to the other, how are you going to get past the sales tax that has to go with each one of those transfers?"

Senator Bottiger: "That is within a family, I don't think you have to pay the sales tax."

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3532 was ordered held on the third reading calendar for March 17, 1981.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Concurrent Resolution No. 3.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, by Representative Nelson (G.):

Cut-off dates for the 47th Legislature are established.

The resolution was read the second time in full.

On motion of Senator Hayner, the rules were suspended, Engrossed House Concurrent Resolution No. 3 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, in our caucus I was asked a question, I didn't have an answer to it.

"Why are the Democrats going down one weekend and the Republicans another? Is there something that our side will be told that you won't or something that your side will be told that we won't? Why don't we go down, say the Senate one weekend and the House the other weekend so that everybody's told the same things by the Rose Institute?"

Senator Hayner: "Well, I feel very sure that everyone is going to be told the same thing. I think it was just a, someone made the decision that the Democrats would go one weekend, the Republicans would go the next. I don't see anything wrong with that."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Well Senator Hayner, I enjoy good relationships with the Republicans and I would love to go with them at the same time so that we know that we're all hearing exactly the same thing."

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, not knowing how many are going to go and how far they are going to go, there apparently is no limit; but it would seem to me that knowing the stringent condition that the budget is in and the concerns the Republicans have, and having listened to you say that we are going to get the same message, wouldn't it be possible that they could transmit that message either by communication known as 'paper,' or have one individual come up here to the capitol and deliver the message? Or doesn't that have enough 'oomph?' Really, I am asking for information because I know how serious you are, and we are too, about saving money."

Senator Hayner: "There are only four people going from the Senate and four from the House from each caucus which doesn't seem unreasonable. The information cannot be brought to us; we need to go to them because we just don't have the time to have all of that equipment and the software and everything brought to us. That is the reason for going down there. I don't think it's an unreasonable expenditure; it's something we are charged to do in the Constitution; and it's very important that we have this done by 1982 before the '82 election."

POINT OF INQUIRY

Senator Wojahn: "Would Senator Hayner yield to a question?"

"Would anyone over there yield?"

"Where is everyone going? Everyone is talking about going somewhere. Where are you going? Are you going to Florida? Are you going to go to Hawaii? Are you going to go to California? Or are you going to go down the street in Olympia? That's what I would like to know."

Senator Hayner: "It's to Claremont College where the Rose Institute is located and the Rose Institute is the only group in the United States that has the software for redistricting."

POINT OF INQUIRY

Senator Hughes: "Senator Hayner, I am wondering if your position, the position of your caucus, is the same as it was a year ago on this issue, redistricting commission versus the state legislature doing it?"

Senator Hayner: "Mr. President, I don't think this has anything to do with the issue before us."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 3, and the resolution passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, having received the constitutional majority, was declared passed.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Hurley moved the Senate reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass the Senate on March 13, 1981.

MOTIONS

Senator Fleming moved the Senate recess until 1:00 p.m.

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the question before the Senate to be the motion for reconsideration by Senator Hurley on the failure of Engrossed Substitute House Bill No. 166 to pass the Senate on March 13, 1981.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, as I read rule 31, once the motion has been made it would now be in order to make a motion to make a special order of business on the motion to reconsider for a time and date certain."

President Cherberg: "Yes, Senator, that is possible."

MOTION

Senator Bottiger moved the motion by Senator Hurley to reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass the Senate on March 13, 1981 be made a special order of business immediately after convening on March 18, 1981.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

Further debate ensued.

On motion of Senator Fleming, the motion by Senator Bottiger was amended. The motion by Senator Hurley would be made a special order of business immediately after convening on March 19, 1981.

Further debate ensued.

POINT OF ORDER

Senator Newhouse: "If I were to cite rule 118 in rules, that the motion to postpone to a day certain is debatable, but we may not debate the merits of the main question."

President Cherberg: "What rule did you refer the President to, Senator:

"Senator Hughes and members of the Senate. Senator Newhouse's point of order is well taken. You will have to confine your remarks to the motion itself."

PARLIAMENTARY INQUIRY

Senator Hughes: "Then Mr. President, would it be inappropriate to respond to the questions or concerns that Senator Hurley . . . asked this body to address, is that correct?"

President Cherberg: "The motion is merely to make the measure a special order of business on Thursday."

Senator Hughes: "I would just agree that Thursday would be more of an appropriate date."

POINT OF ORDER

Senator Fleming: "Mr. President, did Senator Hurley or did she not ask a member on the floor a question to respond to reasoning for the day of special consideration?"

President Cherberg: "The President will have to check the minutes, Senator. "The minute clerk advises the President that Senator Hurley did not ask the question, Senator Fleming."

POINT OF INFORMATION

Senator Lysen: "Seeing the two o'clock schedule, the energy committee is going to meet to consider a \$308 million dollar change order for Peter Kiewit at WPPSS. I was wondering, is this, how does this figure in terms of that? How much money, is this more money or less money than that change order? And if it is less money, I guess I'd like to get prepped for that committee meeting at two o'clock when we look at that \$308 million dollar change order."

The President declared the question before the Senate to be the motion by Senator Bottiger, as amended by Senator Fleming, that the motion for reconsideration by Senator Hurley be made a special order of business immediately after convening on March 19, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger, as amended by Senator Fleming, carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Engrossed Substitute House Bill No. 166 was made a special order of business immediately following convening on March 19, 1981. The motion by Senator Hurley to reconsider the vote by which the measure failed on March 13, 1981 will be the matter before the Senate at that time.

MOTIONS

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 3704.

On motion of Senator Lee, Senate Bill No. 3704 was rereferred to the Judiciary Committee.

On motion of Senator Lee, the Committee on Constitutions and Elections was relieved from further consideration of Senate Joint Resolution No. 119.

On motion of Senator Lee, Senate Joint Resolution No. 119 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on Constitutions and Elections was relieved from further consideration of Senate Bill No. 3655.

On motion of Senator Lee, Senate Bill No. 3655 was rereferred to the Committee on State Government.

On motion of Senator Lee, the Committee on Constitutions and Elections was relieved from further consideration of Senate Bill No. 3671.

On motion of Senator Lee, Senate Bill No. 3671 was rereferred to the Committee on State Government.

POINT OF INQUIRY

Senator Woody: "Senator Lee, 119, what is the subject of 119?"

Senator Lee: "119 is a redistricting commission bill. It is a bill sponsored by Senator Metcalf and Senator Metcalf wishes to have that in his committee."

POINT OF INQUIRY

Senator Fleming: "Senator Lee, 3704, that says 'state government title only' and you sent it to judiciary. What is that?"

Senator Lee: "It's a title only bill . . ."

Senator Fleming: ". . . sponsored by whom?"

Senator Lee: "Sponsored by Senator Rasmussen. Senator Bluechel asked Senator Rasmussen if he could work with him on putting some language in that particular bill that would be properly heard by the judiciary committee."

POINT OF INQUIRY

Senator Fleming: "Senator Lee, I wish it were possible, when you are going to make these referrals to these committees, that your side could let our side know ahead of time, because we don't know what's going on."

Senator Lee: "Senator Fleming, the next two that I have are title only bills."

Senator Fleming: "But I still say it would be nice if we knew that you were going to refer these ahead of time so we won't have to jump up and ask certain questions."

Senator Lee: "Okay. The next two are title only bills that are being requested that are sponsored by the person who is the chairman of the committee. He's asking that it be referred."

Senator Fleming: "Is that too much to ask?"

Senator Lee: "No, I am just giving you the reply. We will do the best we can."

REMARKS BY SENATOR CLARKE

Senator Clarke: "We would be glad to comply with that; the only reason these have not been submitted to you in advance because they were title onlys and for that reason we didn't think you'd be that interested. We would be glad to submit title onlys also in the future."

Senator Fleming: "Well, to my knowledge we didn't know about the ones that were not title only ahead of time, so I was just wondering if all of them that you referred, we'd know ahead of time. It would help us."

Senator Clarke: "We will be glad to comply with that request."

President Cherberg: "On motion by Senator Lee with the approval . . . Senator Woody."

POINT OF INQUIRY

Senator Woody: "Senator Lee, 3615, I wasn't listening. Did you explain what 3671 was?"

Senator Lee: "3671 is a title only bill by Senator Metcalf on redistricting committee."

MOTION

At 2:00 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Tuesday, March 17, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 17, 1981.

The Senate was called to order at 10:30 a.m. The President declared the Senate to be at ease. At 10:47 a.m., the President called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Cheryl Elliot and Scott Grant, presented the Colors.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Reverend Andrew Horgan, pastor of Saint Mary's Church of Aberdeen and appointed Senators Hurley, Quigg, Gallagher, Hughes, McDermott and Deccio to escort Father Horgan to the rostrum.

The President announced that the prayer this morning would be offered by Reverend Horgan who is a special guest of Senator Quigg. Father Horgan was born in Kilarney, County Carey, Ireland and is at present minister at Saint Mary's Church in Aberdeen.

Father Horgan offered the morning prayer.

Senator Hurley led the members in "When Irish Eyes Are Smiling".

The committee of honor was discharged following the prayer and Irish festivities.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 13, 1981.

SENATE BILL NO. 3375, doubling the life of driver's licenses and adjusting fees and the apportionment thereof accordingly (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 16, 1981.

SENATE BILL NO. 3743, modifying the judicial retirement for disability statutes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3743 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Deccio, Gaspard, Haley, Hayner, Hughes, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 16, 1981.

SENATE BILL NO. 3748, requiring railroads to offer first aid courses to engineers, conductors, and yard foremen (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Charnley, Conner, Hansen, Lysen, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Gallagher.

Passed to Committee on Rules for second reading.

March 16, 1981.

SENATE BILL NO. 3974, modifying provisions on the law enforcement officers' and fire fighters' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

March 16, 1981.

HOUSE BILL NO. 75, directing the transportation commission to prepare its own budget request, independent of the department (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 17, 1981.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4, requesting reallocation of federal funds to aid victims of the Mt. St. Helens eruption (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4, by Committee on Local Government (originally sponsored by Representatives Lundquist, James, Chamberlain, Van Dyken, Barr, Leonard, Isaacson, Erickson, Barrett, Monohon, Garrett, Berleen, North, Stratton, Hine, Lewis, Lane, Johnson and Heck):

Requesting reallocation of federal funds to aid victims of Mt. St. Helens eruption.

MOTIONS

On motion of Senator Hayner, the rules were suspended, Substitute House Joint Memorial No. 4 was advanced to second reading and read the second time in full.

On motion of Senator Hayner, the rules were suspended, Substitute House Joint Memorial No. 4 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, there are a number of people from my district that have property down there in the area that has been damaged; they either lost the land or it's covered with mud and they tell me there has been no action taken to assist them in any way whatsoever. Is that true?"

Senator Zimmerman: "I'm sure there are individuals who have situations where they have had no action take place. I am sure there are some of those instances, yes. They are attempting to process throughout the entire state because obviously Ritzville, eastern Washington areas that have also had problems, they, too, have been considered. I am not sure of the extent; Senator Talley may have more specifics. I just know that of the eighty-six million that has been obligated as far as FEMA was concerned, that they have only used twenty-seven million of that fund.

"And I know that there is at least fifteen million dollars of obligations that cities and counties have that have not yet been met. So we know there is a considerable amount yet to be used and Senator Talley may give some details."

Senator Rasmussen: "Our concern, Senator Talley, would be that this money not alone be directed to municipalities and government agencies but that it go to help some of these people."

Senator Talley: "Well, Senator, we hope to do that . . . some of this money but at the present time we still have to dig a ditch to get the mud out and water out because all we have down there now, is, we have a 500-foot-wide ditch, fifty feet deep, that we hope doesn't flood and drown everybody below it there."

Senator Rasmussen: "So the need continues . . ."

Senator Talley: "The ditch is filling up at all times and there are millions of yards of sediment that is still to come down."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Joint Memorial No. 4.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Memorial No. 4 and the memorial passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator von Reichbauer—1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4 having received the constitutional majority, was declared passed.

GUBERNATORIAL APPOINTMENT

March 13, 1981.

W. P. ELLIS, to the position of member of the Board of Pilotage Commissioners, appointed by the Governor on January 19, 1981, for the term ending December 26, 1984, succeeding Jim Blackmore, reported by the Committee on Transportation, recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules.

MOTION

On motion of Senator Clarke, the Senate advanced to the second order of business for the purpose of receiving a report from the Select Committee on Arson.

REPORT OF SELECT COMMITTEE

Senator Vognild: "Thank you, Mr. President.

"Pursuant to the provisions of Senate Resolution 1979—85, adopted by the Senate in 1979 session, I am respectfully submitting the following committee report. This report will be delivered to each Senator's office and to the Lieutenant Governor. The report contains the results of six regular meetings and six executive meetings of the committee. There are nine proposed bills, one bill was held back by the committee; the other seven bills have been introduced and are in various stages of the legislative process. Hopefully, I will be speaking to them on the floor of the Senate within the next couple of weeks. Thank you."

MESSAGE FROM THE HOUSE

March 17, 1981.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 3,

HOUSE CONCURRENT RESOLUTION NO. 14, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 3,

HOUSE CONCURRENT RESOLUTION NO. 14.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of measures on the Consent Calendar.

On motion of Senator Clarke, Senate Bill No. 3562 was ordered placed at the beginning of the Second Reading Calendar being removed from the Consent Calendar.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3645.

SECOND READING

SENATE BILL NO. 3645, by Senators Ridder, Gould, Craswell and Woody: Permitting initiative and referendum petitions to use normal size paper.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 3645 was substituted for Senate Bill No. 3645 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 3645 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, states in the digest, provision added to the original bill stating 'additional referendum petitions must be printed on paper of good quality—good writing quality.' Would that exclude using newspaper?"

Senator Pullen: "Senator Rasmussen, the bill specifically states that newsprint will be acceptable and I believe that that is a very reasonable provision to put into the law, because for the last decade, almost, many sponsors have been publishing their initiative petitions in newspapers and have been collecting signatures in that way.

"The secretary of state has been accepting such petitions printed on newsprint and has had no problem with that particular type of paper."

Senator Rasmussen: "You will be allowed to continue, then; that, 'good writing quality' that doesn't indicate the newspapers?"

Senator Pullen: "Well Senator Rasmussen, because people have been using newsprint that has not caused any problem and because the Constitution does not put any restrictions on what kind of paper the proponents could use, we certainly don't want to penalize any sponsor who may have to collect signatures on newsprint."

Senator Rasmussen: "And it is the intention, then, that newsprint will be usable?"

Senator Pullen: "Yes, line 12 and 13 of the bill specifically indicate that newsprint is acceptable."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3645, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen; Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 3645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3715, by Senators Talmadge and Clarke:

Modifying civil procedure.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3715 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Vognild was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3715, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Lysen, Patterson—2.

Excused: Senator Vognild—1.

SENATE BILL NO. 3715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3724, by Senators Scott, Ridder, Gould, von Reichbauer and Woody:

Adding requirement for education on drug effects to school curriculum.

REPORT OF STANDING COMMITTEE

February 27, 1981.

SENATE BILL NO. 3724, adding requirement for education on drug effects to school curriculum (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

Beginning on page 2, line 35, after "hours" strike everything through "narco-tics" on page 3, line 2 and insert: "shall be devoted to the study of the effects of drugs, including alcohol"

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Scott.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 3724 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Haley, I agree with you, the information you are putting out. How did you vote on House Bill 166? On local control?"

Senator Haley: "That is an entirely different matter, Senator."

Senator Rasmussen: "Thank you, Senator Haley."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3724, and the bill passed the Senate by the following vote: Yeas, 40, nays, 8; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, von Reichbauer, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Haley, Hansen, Hemstad, McCaslin, Rasmussen, Sellar, Williams, Wilson—8.

Excused: Senator Vognild—1.

ENGROSSED SENATE BILL NO. 3724, 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 Clarke, Senate Joint Resolution No. 133 was ordered held on the Consent Calendar for consideration on March 18, 1981.

SECOND READING

SENATE BILL NO. 3102, by Senators Talmadge, Newhouse and Bottiger:

Adding motor vehicle offenses used to define the habitual offender.

The bill was read the second time by sections.

Senator Ridder moved adoption of the following amendment:

On page 2, line 1, after "been" strike "suspended or"

Debate ensued.

The motion by Senator Ridder failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Ridder, an amendment by Senator Ridder to page 3, following line 24, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3102 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, in certain cases, alcohol-related cases where they stay, when they go under treatment, would this include attempting to elude the police pursuit if he was under the influence of alcohol, that it would not suspend his license?"

Senator Talmadge: "Senator, in the last session of the legislature we made eluding a police vehicle a class C felony. I think if they were convicted of the eluding of a police vehicle under this statute, it would be counted for purposes of the habitual traffic offender count of three offenses.

"Now whether or not that took place when they were under a stay order from the court, I don't think it would make much difference. If they were told it would make a difference, and I am sorry, if they were convicted of a violation, it is existing law now that if they are convicted of a violation, they can have that conditional licensure removed and it wouldn't make any difference under this bill—it is already existing law that if they are convicted of another offence during the prime of the conditional licensure, they will have that licensure removed."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3102, and the bill passed the Senate by the following vote: Yeas, 48; nays 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Conner—1.

SENATE BILL NO. 3102, 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 Clarke, the Senate commenced consideration of Senate Bill No. 3301.

SECOND READING

SENATE BILL NO. 3301, by Senators Wilson and Deccio:

Permitting counties to set the rates at which fines of county prisoners are reduced.

The Senate resumed consideration of Senate Bill No. 3301. On March 16, 1981, an amendment by Senators Gaspard, Pullen, Lee, Zimmerman and Talmadge had been moved for adoption.

The motion by Senator Gaspard carried and the amendment was adopted.

On motion of Senator Zimmerman, the following amendments by Senators Gaspard, Pullen, Lee, Zimmerman and Talmadge to the title were adopted:

On page 1, line 3 of the title, after "10.82.030;" strike "and"

On page 1, line 5 of the title, after "10.82.040" and before the period, insert "; and adding a new chapter to Title 7 RCW"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Senate Bill No. 3301 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3301, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Bottiger—1.

ENGROSSED SENATE BILL NO. 3301, 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 Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 17, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4.
There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3372, by Senator Newhouse:
Increasing penalties for telephone or telegraph fraud.

The Senate resumed consideration of Senate Bill No. 3372. On March 16, 1981, three amendments had been moved for adoption by Senator Woody.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Newhouse, I realize I am talking partly about your amendment, rather than the one before it; but I would have to say for the good of the body that I think the comparison sheet that Senator Woody distributed places issues in perspective very clearly. And I think it would be helpful to the body if you, at least orally, could tell us what would appear on this sheet regarding your amendment."

Senator Newhouse: "May I then, Senator Wilson, address the center section, the proposed Senate Bill 3372. In that one I would say in that line where it \$250 to \$1500 dollars and then over \$1500, I would strike that digest language and just say 'over \$250 is a class C felony.' There would be no class B felony if this amendment is defeated and my amendment is adopted."

Further debate ensued.

The motion by Senator Woody failed and the amendments were not adopted.

On motion of Senator Newhouse, the following amendment was adopted:

On page 1, beginning on line 26, after "felony" strike all material down through "felony" on line 28

There being no objection, on motion of Senator Woody the amendments to page 1, lines 20, 22, 25 and 27 on the desk of the Secretary of the Senate, were withdrawn.

Senator Woody moved the following amendments by Senators Woody and Haley be considered and adopted simultaneously:

On page 1, line 20, after "section" strike "during a period of ninety days" and insert "~~((during a period of ninety days))~~"

On page 1, line 22, after "dollars" strike "in the aggregate" and insert "~~((in the aggregate))~~"

On page 1, line 25, after "dollars" strike "in the aggregate" and insert "~~((in the aggregate))~~"

On page 1, line 27, after "dollars" strike "in the aggregate" and insert "~~((in the aggregate))~~"

On page 1, line 28, after "felony." insert "Whenever any series of transactions which constitute a violation of subsection (1) of this section are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the penalty involved."

Debate ensued.

The motion by Senator Woody failed and the amendments were not adopted on a rising vote.

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 3372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3372, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Bauer, Goltz, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson—11.

ENGROSSED SENATE BILL NO. 3372, 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.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Woody gave notice that she would, on the next working day, move for reconsideration of Engrossed Senate Bill No. 3372 that passed the Senate today.

PERSONAL PRIVILEGE

Senator Hughes: "Thank you, Mr. President, members of the Senate.

"I've been instructed, Mr. President and members of the Senate, by the Honorable Senator O'Quigg and the Honorable Senator O'Hurley to make a brief but succinct presentation to this body about the significance of St. Patrick's day to the Irish.

"Now I promise to keep it relatively brief because Senator O'Talmadge has warned me that he's had about all the Irish he can take before lunch. But I think there are some significant comments that should be made.

"Father, who was here earlier, made some comments when he was asked the questions about the sadness and the tragedy that is associated with the Irish, and that's part of their character. There is also a great deal of joy associated with the Irish. And I'd like to complete a quote that Father began to you, and that was that 'Great Gaels of Ireland are truly the men that God made mad, for all their wars are merry and all their songs are sad.'

"I'd like to highlight a couple of things in Irish history that may point out the sadness and the joy of the Irish. In the mid-nineteenth century, a terrible famine hit Ireland. One-quarter of the people starved to death, and they starved to death because the controlling power, the controlling government of another nation, said it was tragic that these people would starve, but to feed them would upset the Manchester principles of economics. That was a cold and callous decision that was made.

"The Irish fought for their independence on Easter Sunday in the year 1916; that rebellion was short, but it was glorious. Sixteen of the eighteen leaders were swiftly and brutally executed by the British. One of them, a Mr. James Connolly, was dying from his wounds and he couldn't even stand; so he was strapped to his chair and shot and executed. One of the British soldiers who was in the firing squad

found this so offensive, and he wrote one of the most moving poems against violence that you'll ever have a chance to read, and any of you interested, I'll provide copies of that later.

"Ireland is the country of Robert Emmett, Daniel O'Connell, Charles Stewart Parnell, and Eamon de Valera—a lot of great heroes. My own favorite hero is a man by the name of Patrick Sarsfield. Patrick Sarsfield fought England and was defeated by the English in his own country and he fled with some Irishmen who were called 'The Wild Geese;' and they went and they saved France in a battle with England and defeated the English. Sarsfield was mortally wounded in the battle and his last words were 'I am pleased that I could do this, but oh, were this for my Ireland.'

"Some of you may not know the origin of St. Patrick's day. An Irish general by the name of Sullivan entered Boston Harbor and the British immediately evacuated it. In Boston it is known as 'Evacuation Day,' but the Irish decided it needed another meaning and they found out that he'd used the password of St. Patrick and the origin of it is that on March 17, 1776, the British evacuated Boston and the American troops under an Irish general took control.

"I'd like to talk about the contributions of some of the Irish people. John Barry, Irish-American who was the father of the American navy. In sports, the name of John L. Sullivan, James Corbett, James J. Braddock, Connie Mack, John McGraw, John McCarthy. In the area of religious leaders, Cardinals Gibbons; a man by the name of Hughes, of all names; Cushing, Bishop Sheen are known to most of us.

"In the arts perhaps the Irish have made their second greatest contribution. Irish writers like O'Casey, Yeats, Joyce and Shaw are well-known. But so are their Irish-American counterparts, men like Eugene O'Neill, George M. Cohan, F. Scott Fitzgerald.

"But I think of all the arenas that the Irish have contributed the most is in the political arena; and I think it is not terribly ironic that the two longest-serving members of the Washington state legislature, John O'Brien in the House of Representatives and Senator Margaret Hurlley in the Senate, not as a member serving in the Senate but in total service in the legislature. Both are of Irish descent. And when you go through the names of Irish-Americans in politics, you come up with the names of Al Smith, Mayors Curley of Boston, Jimmie Walker of New York, Daley of Chicago. The Roosevelt brain trust was basically made up of many solid Irish contributors, Thomas Corcoran, attorney general Walsh, postmaster general Farley. In the United States Senate, such names as Walsh, Clark, Gene McCarthy and Robert Kennedy; and perhaps the most significant of all the Irish-American politicians, President John F. Kennedy.

"Those of us who are Irish like to point to John F. Kennedy as the man who most possessed the attributes that we find admirable in the Irish. I think any of you who remember President Kennedy remember that tremendous wit, that style, that grace and that critical intelligence.

"So the Irish, I think have an expression of warmth and greeting that says, where I think their hearts are and I am going to paraphrase it: 'May the road rise up to meet you, may the wind be always at your back. May the rains fall gently in your field, and until we meet again, may God hold you softly in the palm of His hand.'

"Now, I wasn't going to do this but my wife said I had better end with a couple of jokes. I am going to put on a bit of the brogue and I've been promised by Senators O'Fleming and McDermott that they would laugh even if they didn't know when the punch line came.

"The first one deals with an Irish agricultural minister who was addressing a group of farmers and as was the case, the farmers were heckling him. And as he

spoke louder, the heckling got louder. And one of them finally yelled out, 'Mr. Minister, how many toes does a pig have?' And the minister instantly shot back 'Take off your shoes and count.'

"Well, they'll get better, I promise you. (Sally, you did say this was going to work, right?)

"There was another senior Irish Senator who had written into his will that when he died, he wanted all of his colleagues, particularly his political opponents, to attend his funeral and to dance on his grave. There was a P.S. in his will. He wanted to be buried at sea.

"One final one and I think this may be fit for all of us who are freshmen members. There was a freshman Senator who was elected an Irishman, and he wanted to impress the first visitor who came into his office so he got there early before everybody else, set up his office; and he saw a young man approaching, so he immediately picked up the phone and carried on about a five- or six-minute conversation, imaginary of course, talking to the President. The young man very quietly, very patiently waited. He then put down the phone; he said 'I'm sorry to delay you, but it was a very important phone call. What can I do for you?' He said, 'Oh, it is no problem, Senator, I am here from the phone company, I am here to install the phone.'

"Thank you, and I hope you all enjoy St. Patrick's day."

MOTION

At 12:35 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Wednesday, March 18, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 18, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present. The President declared the Senate to be at ease. At 10:47 a.m., the President called the Senate to order.

The Color Guard, consisting of Pages Julie Myer and Jim Nogel, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the royalty from the Apple Blossom Festival in Wenatchee and appointed Senators Sellar, McCaslin, Hansen, Gaspard, Benitz and Wilson to escort the honored guests to the rostrum.

The royalty was introduced by Senator Sellar and with permission of the Senate, business was suspended to permit Queen Trina Damish to address the Senate. The queen introduced Princess Liz and Princess Penny of her court.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

INTRODUCTION OF ROY RODEO COURT

The President announced the presence in the Senate gallery of the royalty from the Roy Rodeo. Queen Shannon and her court were recognized together with Senator Bottiger.

REPORTS OF STANDING COMMITTEES

March 18, 1981.

SENATE BILL NO. 3027, restricting the destruction of historic properties (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3027 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg, Zimmerman.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3111, extending doctor-patient privilege to nurses (reported by Committee on Rules):

Recommendation: That Senate Bill No. 3111 be referred to Judiciary Committee.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Passed to Judiciary Committee.

March 17, 1981.

SENATE BILL NO. 3136, including certain agriculture-related investments under the economic assistance act (reported by Committee on Rules):

Recommendation: That Senate Bill No. 3136 be referred to Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Referred to Committee on Ways and Means.

March 17, 1981.

SENATE BILL NO. 3294, establishing a reward program for information leading to the conviction of arsonists (reported by Committee on Rules):

Recommendation: That Senate Bill No. 3294 be referred to Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Passed to Committee on Ways and Means.

March 13, 1981.

SENATE BILL NO. 3299, providing for the preservation of access to public lands (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3299 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Lysen, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3361, increasing the maximum cost of port district small works projects (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3361 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3366, creating a fraud and arson bureau (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3366 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3374, creating the state voluntary action council (reported by Committee on Rules):

Recommendation: That Senate Bill No. 3374 be referred to Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Passed to Committee on Ways and Means.

March 16, 1981.

SENATE BILL NO. 3408, providing for wine and wine grape research and instruction programs (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3408 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3456, removing the requirement that certain certificates and licenses be filed with county officials (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3456 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3555, mandating certain information from institutions of higher education relating to remunerated professional leaves (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3741, modifying provisions on motor vehicle and special fuel taxes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 3881, implementing law relating to salary recommendations of the council for postsecondary education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3988, ending state funding of racial busing (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3988 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 11, 1981.

SENATE BILL NO. 4026, redefining personal service for purposes of personal service contracts with state agencies (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 4080, implementing monthly tonnage purchase (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 4319, authorizing certain counties to provide for the taking and keeping of records of the board of county commissioners (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4319 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 4325, requiring the department of social and health services to establish a fee schedule to conducting heritable disorder laboratory tests (reported by Committee on Rules):

Recommendation: That Senate Bill No. 4325 be referred to Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Haley, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Shinpoch, Talley.

Referred to Committee on Ways and Means.

March 17, 1981.

SENATE BILL NO. 4329, authorizing municipal corporations to establish lines of credit (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 17, 1981

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 62,

SUBSTITUTE HOUSE BILL NO. 219,

SUBSTITUTE HOUSE BILL NO. 250,

SUBSTITUTE HOUSE BILL NO. 352,

ENGROSSED HOUSE BILL NO. 551, and the same is herewith transmitted.
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 62, by Committee on Revenue (originally sponsored by Representatives Maxie, Rinehart, Barr, Galloway, Granlund, Brown, Rust, Burns, Gallagher and Pruitt):

Modifying the procedure for valuations of taxable real property.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Labor and Economic Development (originally sponsored by Representatives O'Brien, Wilson, Struthers, Sherman and Brekke):

Regulating transactions between artists and art dealers.
Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 250, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representatives Sanders, Eberle, Clayton, Smith, Hankins, Barrett, Patrick, Flanagan, Barr, Johnson and Wilson):

Exempting contractors employing subcontractors from industrial insurance requirements.
Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 352, by Committee on Local Government (originally sponsored by Committee on Local Government and Representative Isaacson):

Revising laws relating to sewer and water districts.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 551, by Committee on Transportation and Representatives Wilson, Clayton and Johnson:

Extending authority of port districts to operate rail lines.
Referred to Committee on Local Government.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate will consider the first three measures on the Second Reading Calendar and following action on those measures will commence consideration of the measures on the Consent Calendar.

On motion of Senator Clarke, Senate Joint Resolution No. 133 will be considered on March 19, 1981.

POINT OF INQUIRY

Senator Talley: "Senator Clarke, we have bills on this calendar that were on the calendar before this consent calendar was brought out. You are not going to take them first?"

Senator Clarke: "Senator, it is my understanding that the purpose of forming a consent calendar is to endeavor to get non-controversial bills out of the way, and those which will not take a considerable amount of time. We do hope to work on the yellow calendar tomorrow."

SECOND READING

SENATE BILL NO. 3562, by Senator Lee:

Exempting cemetery district commissioners from the public disclosure requirements of chapter 42.17 RCW.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 3562 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3562, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Charnley, McDermott, Moore, Talmadge—4.

SENATE BILL NO. 3562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3388, by Committee on Local Government (originally sponsored by Senators Zimmerman, Charnley, Fuller, Gould, Lee, McCaslin, Talley and Wilson):

Authorizing county transportation authorities to provide public ambulance services upon voter approval.

The Senate resumed consideration of Substitute Senate Bill No. 3388. On March 16, 1981, the following amendment by Senator Quigg had been moved for adoption:

On page 3, after line 34, insert the following:

"Sec. 3. Section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All taxes levied and collected under RCW 35.58.273 shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

No municipality may use any of the proceeds of the taxes levied and collected under RCW 35.58.273 for the purpose of financing ambulance services nor shall the expenditure of sales and use tax authorized pursuant to RCW 82.14.045 for ambulance services be counted as locally generated tax revenues for apportionment and distribution of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, in the manner prescribed by chapter 82.44 RCW as now or hereafter amended.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35.58.273 shall be levied, collected and applied as provided by law to pay or secure the payment of any bonds issued by such municipality after such date but before May 14, 1979, for authorized public transportation purposes."

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, your research, did you find whether this provision would apply to any other ambulance service providers other than those in Grays Harbor County?"

Senator Bottiger: "Senator Quigg, I'm satisfied that the language of the bill and the language of the amendments apply only to the Grays Harbor Transportation Authority and don't cover the PTBAs located elsewhere in the state."

The motion by Senator Quigg carried and the amendment was adopted.

On motion of Senator Quigg, the following amendment to the title was adopted:

On page 1, line 5 of the title after "36.57.040" and before the period, insert "; and amending section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279."

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute Senate Bill No. 3388 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3388, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "In response to Senator Sellar's comment that Wenatchee grew the most beautiful apples in the world, the reason I am taking so long to respond is I had to do a little research and I found out that the Wenatchee trees were actually grafts from Yakima trees and that's how they got the beautiful trees they have, which means, I guess, that in order for Wenatchee to have the beautiful apples that they grow, they have to resort to graft."

Senator Sellar: "Only Deccio would admit that Yakima has the graft."

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

THIRD READING

SENATE BILL NO. 3532, by Senators Metcalf and Peterson:

Permitting the use of a renewed vehicle license for a full twelve-month period.

The Senate resumed consideration of Senate Bill No. 3532 which was held on third reading from March 16, 1981.

The bill was read the third time and placed on final passage.

REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President, members of the Senate.

"In answer to Senator Patterson's question on the floor, his question was whether or not the previous owner would be liable for the excise tax, (this is on a relicensed vehicle), under present law he is not. If he's going to be, if he's not going to be using the car, he's not required to license it, and the excise tax is included in the license fee.

"Senate Bill 3532 does not provide for this liability either. The intent of the legislation was to see that the new owner would not be required to pay back taxes. The responsibility for back taxes are currently waived if the vehicle registration has been expired for more than twelve months.

"There is a fiscal impact on the state; it is \$37,000 and I think that this is something that we can do in good conscience. Actually, if a person pays to license his car for twelve months, he should get twelve months' license, and that's all that this bill does."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3532.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3532, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3532, 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.

There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3145, by Senators Hayner and Talmadge:

Clarifying the authority of professional service corporations and their members.

REPORT OF STANDING COMMITTEE

February 24, 1981.

SENATE BILL NO. 3145, clarifying the authority of professional service corporations and their members (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 14, strike all of section 2.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3145, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3306, by Senators Talmadge, Shinpoch and Clarke (by Washington State Patrol request):

Extending arrest authority of WSP officers.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3306, and the bill passed, the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Lysen—1.

SENATE BILL NO. 3306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3380, by Senators Hansen, Deccio, Wilson, Gaspard, Newhouse and Sellar:

Implementing the law relating to cooperative associations and voting by the members thereof.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3380 was substituted for Senate Bill No. 3380 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3380 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3380, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Lysen—1.

SUBSTITUTE SENATE BILL NO. 3380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3465, by Senators Wojahn, Shinpoch, Clarke, Bauer, Jones, Bluechel and Sellar:

Eliminating expiration dates for risk management office.

The bill was read the second time by sections.

On motion of Senator Hayner, the following amendment was adopted:

On page 1, after line 6, insert:

"NEW SECTION. Section 1. The risk management office shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time."

Re-number remaining section consecutively.

On motion of Senator Hayner, the following amendment to the title was adopted:

On page 1, line 5 of the title, after "RCW 43.131.178" insert "; and providing an expiration date"

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3465 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3465, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3886, by Senator Shinpoch:

Implementing law relating to the Washington health care facilities authority.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3886 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Shinpoch, the health care facilities authority or the organization, has been in being now for several years. It originally started under the direction of the Federal government. What I would like to ask is, do you have any idea of the funding that's going to be available for this agency in the future in place of the Reagan cut?"

Senator Shinpoch: "It is my understanding that it is formed and it is funded by the health care facilities that utilize it. So I guess that my understanding is different than yours and I can't answer your question."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3886, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4131, by Senators Pullen, Clarke and Hughes:

Requiring mandatory minimum terms for certain felonies involving firearms.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 4131 was substituted for Senate Bill No. 4131 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 4131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, as you indicated, this bill or a bill similar to it, did pass the Senate last session. And I wonder if you could detail for us any

differences that might exist between this particular proposed legislation and the legislation that did, in fact, pass the Senate last session."

Senator Pullen: "Yes, I can. Actually this one doesn't go quite as far as the one last year did. In the law it also sets forth certain misdemeanors that are inherently dangerous that can also qualify for the five-year sentence. And in the bill that passed the Senate last year, we had a number of misdemeanors in there that are not in this particular bill. And the reason we took them out was, we felt there were some misdemeanors under the criminal code, while potentially dangerous, are broad enough that someone who might inadvertently be armed with a firearm, could end up getting a mandatory sentence when they didn't deserve it. And we did not want that to happen, so we took out of this bill crimes like reckless endangerment which are so broad that someone could inadvertently end up with a five-year mandatory sentence.

"So this one is not quite as broad as the bill that passed the last session."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4131 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 4131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3015, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

Revising law relating to privacy of records.

REPORT OF STANDING COMMITTEE

February 26, 1981.

SENATE BILL NO. 3015, revising law relating to privacy of records (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 26, after "(1)" insert "(c)"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Shinpoch, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3015, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Sellar, von Reichbauer—2.

ENGROSSED SENATE BILL NO. 3015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3043, by Senators Talmadge, Pullen, Moore, Vognild, Woody and Craswell:

Requiring parent's consent to release youth from residential school.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3043 was substituted for Senate Bill No. 3043 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 3043 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3043, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Haley—1.

Absent or not voting: Senators Conner, Sellar—2.

SUBSTITUTE SENATE BILL NO. 3043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3076, by Senators Goltz, Jones, Wojahn, Craswell and Shinpoch:

Providing for the taxation of vending machine sales of food.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3076 was substituted for Senate Bill No. 3076 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 3076 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3076, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Charnley, Conner, Lysen—3.

SUBSTITUTE SENATE BILL NO. 3076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3131, by Senators Talmadge, Kiskaddon, Moore and Quigg:

Extending laws against patient abuse to state hospitals.

REPORT OF STANDING COMMITTEE

February 2, 1981.

SENATE BILL NO. 3131, extending laws against patient abuse to state hospitals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended with the following amendments:

On page 3, line 8, after "the" insert "nonaccidental"

On page 3, line 9, after "nursing home" and before "patient" insert "or state hospital"

On page 3, line 24, after "nursing home" and before "patient" insert "or state hospital"

On page 3, line 34, after "nursing home" and before "patient" insert "or state hospital"

Signed by: Senators Moore, Chairman; Talmadge, Vice Chairman; Craswell, Kiskaddon, McCaslin, Ridder.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendments were considered and adopted simultaneously.

On motion of Senator Deccio, the rules were suspended, Engrossed Senate Bill no. 3131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Hayner, Senator Sellar was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3131, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Bottiger, Charnley, Lysen—3.

Excused: Senator Sellar—1.

ENGROSSED SENATE BILL NO. 3131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3215, by Senators Bauer, Zimmerman and Fuller:
Authorizing the revaluation and relisting of property in a disaster area.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3215 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bluechel, Senator Gould was excused.

POINT OF INQUIRY

Senator Patterson: "Senator Bauer, the concern I have, and I would like to have maybe some legislative intent, is that in case, say of a cloudburst, and you have a piece of property that ends up in a washout and destroyed; and yet the area, the total area was not determined to be a disaster area, whether or not that individual would have opportunity under this act, to have a reevaluation of his property, where it was not declared as a total disaster."

Senator Bauer: "The Governor or the legislative authority would have to take the first action by declaring it a disaster area. And until that is done, that area could not come under this bill."

Senator Patterson: "So you're saying that this act would not provide an opportunity for reevaluation in the event of an isolated disaster, maybe not a whole area but as I say, a cloudburst and I am thinking of a particular case where the washout dumped ash all through the home and yet the whole area was not declared as a disaster area. And I'm wondering whether or not the county authority would have the authority to declare an individual's property for purposes of reevaluation?"

Senator Bauer: "I'm sure the intent would be that the county authority or the Governor could designate the area and declare that area under that designated area as a disaster. It might be small acreage or the whole state or whatever."

POINT OF INQUIRY

Senator Guess: "Senator Bauer, yesterday a group of us went down to the Cowlitz and followed the river from mile 24 down to the mouth. What we saw, dwarfed the imagination; and what I feel now, that this law, this bill that you have

for reevaluation, is only going to make up a part of the damage that those people suffered there.

"Would you have an objection when this bill is over in the House, that if we provided that the assessor not take into consideration any temporary easement that might be granted to those property owners by the department of natural resources, would you think about accepting that bill when it comes to the amendments to the bill when it comes back from the House?"

Senator Bauer: "From what you have said there and what you have indicated to me earlier, Senator, I see no problem with it at this time and I would support that situation."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3215, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent or not voting: Senators Bottiger, Charnley, Goltz, Lysen—4.

Excused: Senators Gould, Sellar—2.

SENATE BILL NO. 3215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3363, by Senators Wilson, Jones, Hansen and Gaspard:

Providing for payment by irrigation districts of defense and judgments of employees acting in official capacity.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3363 was substituted for Senate Bill No. 3363 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3363 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Talley was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3363, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Gould, Sellar, Talley—3.

SUBSTITUTE SENATE BILL NO. 3363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3415, by Senators McDermott, Moore, Ridder and Gould:

Revising laws relating to health care service contracts.

MOTION

On motion of Senator Deccio, Substitute Senate Bill No. 3415 was substituted for Senate Bill No. 3415 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 3415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3415, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Haley—1.

Excused: Senators Gould, Sellar, Talley—3.

SUBSTITUTE SENATE BILL NO. 3415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3498, by Senators Wojahn, Sellar and Bauer:

Implementing law relating to bond financing by the Washington health care facilities authority.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3498 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Hansen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3498, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senator Hughes—1.

Excused: Senators Gould, Hansen, Sellar, Talley—4.

SENATE BILL NO. 3498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3541, by Senators Gaspard, Gould, Talmadge and Kiskaddon:

Authorizing administration of oral medication by common school and private school personnel.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 3541 was substituted for Senate Bill No. 3541 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 3541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3541 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Gould, Hansen, Sellar, Talley—4.

SUBSTITUTE SENATE BILL NO. 3541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3705, by Senator Rasmussen:
Relating to the cemetery board.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3705 was substituted for Senate Bill No. 3705 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3705, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Excused: Senators Gould, Hansen, Sellar, Talley—4.

SUBSTITUTE SENATE BILL NO. 3705, 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 Clarke, the Senate returned to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 18, 1981.

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:

Mr. Norman L. Winn appointed March 11, 1981 for a term ending January 1, 1987 succeeding Axel Julin as a member of the Forest Practices Appeals Board.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, March 18, 1981.

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:

Mr. Ed Pooley appointed March 13, 1981, for a term ending September 30, 1985, succeeding Reid E. Hale as a member of the Board of Trustees for Community College District No. 9.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 18, 1981.

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:

Mr. Thomas R. Hagley appointed March 16, 1981, for a term ending September 30, 1985, succeeding Gary Olson as a member of the Board of Trustees for Community College District No. 14.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 18, 1981.

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:

Ms. Ann Hobi Scroggs appointed March 17, 1981, for a term ending September 30, 1985, succeeding Dorothy L. Murphy as a member of the Board of Trustees for Community College District No. 2.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 18, 1981.

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:

Ms. Helen V. Heinemann appointed March 17, 1981, for a term ending September 30, 1985, succeeding Rowena B. Christensen as a member of the Board of Trustees for Community College District No. 18.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

MOTION

At 12:47 p.m., Senator Hayner moved the Senate adjourn until 10:00 a.m., Thursday, March 19, 1981.

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President, I would like to raise the point of personal privilege today since it is most appropriate to the events of today as opposed to what might take place tomorrow."

President Cherberg: "If there is no objection, Senator . . . Objection has been received. Senator Hayner has moved that the Senate adjourn until 10:30 a.m. Would you amend your motion, Senator Hayner, to 10 o'clock because of the Senator Magnuson . . .? Senator Hayner has moved that the Senate adjourn until 10 a.m. tomorrow. If there is no objection, it is so ordered."

The motion by Senator Hayner carried. At 12:49 p.m. the Senate adjourned until 10:00 a.m., Thursday, March 19, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 19, 1981.

The Senate was called to order at 10:00 a.m. by President Cherberg. The President declared the Senate to be at ease. At 10:14 a.m., the President called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Theresa Burns and Steve Johnson, presented the Colors. Reverend George Mitchell, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

March 17, 1981.

SENATE BILL NO. 3719, authorizing bonds for the acquisition of scenically fragile lands (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3719 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Hansen, Hurley, Quigg, Zimmerman.

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

March 18, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senators Jones, Fleming, Bottiger, Hayner and Quigg (by Office of Lieutenant Governor request):

Establishing the Joint Select Legislative Committee on International Trade.

Referred to Committee on Commerce and Labor.

FIRST READING OF HOUSE BILL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Schmidt, Tilly, Dawson, Patrick, James, Johnson, Nelson (G), Struthers, Winsley, Barr, Addison, Hastings, Granlund, Walk and Owen):

Revising provisions pertaining to capital punishment.

Referred to Judiciary Committee.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of a delegation of legislators from Nigeria and appointed Senators Peterson, Rasmussen, Ridder, Fleming, Conner, Sellar, Clarke, Newhouse, Quigg and Zimmerman to escort the guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Speaker Busman to address the Senate and introduce the other guests from Nigeria.

The committee of honor escorted the honored guests from the Senate rostrum and the committee was discharged.

MOTION

On motion of Senator Hayner, the special order of business scheduled for 10:30 a.m., was moved to 12:30 p.m. today.

At 10:33 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of honoring former United States Senator Warren G. Magnuson.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House.

The Speaker requested the Sergeants at Arms of the Senate and the House to escort Lieutenant Governor John Cherberg and President Pro Tem Sam Guess to seats on the rostrum.

The Speaker invited the Senators to seats within the House Chamber.

The Speaker requested the Sergeants at Arms to escort the Nigerian Legislative Leaders to seats within the House Chamber.

The President of the Senate presided, and called the Joint Session to order.

The President of the Senate appointed Senators Hayner, Bottiger and Talmadge; and Representatives Addison, Addison, Wilson, and to escort the Supreme Court Justices to seats within the House Chamber.

The President of the Senate appointed Senators Metcalf, Deccio, Moore and Rasmussen and Representatives Eberle, Dawson, Warnke and Gruger to escort the State Elected Officials to seats with the House.

The President of the Senate appointed Senators Jones, Lee, Fleming and Goltz and Representatives Bond, Flanagan, O'Brien and Grimm to escort Congressmen Norm Dicks, Joel Pritchard and Sid Morrison and U.S. Senators Slade Gorton and Mark Hatfield to seats on the rostrum.

The President of the Senate appointed Senators Clarke and Fleming and Representatives Nelson (G) and Heck to escort Governor John Spellman to the rostrum.

The President: "Mr. Speaker, Governor Spellman, distinguished Congressmen and Senators, honored members of the Supreme Court, Elected State Officials, ladies and gentlemen of the Legislature: I have the honor to present to you our honored guest, Senator Warren G. Magnuson and Mrs. Magnuson."

Governor Spellman led the singing of The Star Spangled Banner.

The Clerk of the Senate read:

HOUSE CONCURRENT RESOLUTION NO. 14

WHEREAS, Warren Grant Magnuson served the citizens of Washington and the Nation in the Congress of the United States for over forty-four years; and

WHEREAS, Warren G. Magnuson served as a United States Congressman for eight years and as a United States Senator for thirty-six years, including twenty-three years as Chairman of the Senate Commerce Committee, three years as Chairman of the Senate Appropriations Committee, and two years as President Pro-Tempore of the United States Senate; and

WHEREAS, Warren G. Magnuson served this state as a member of the Washington State House of Representatives; and

WHEREAS, Warren G. Magnuson always placed the needs of the citizens of Washington State as his number one priority; and

WHEREAS, Warren G. Magnuson had the foresight to advocate and work for the development of hydroelectric power in the Pacific Northwest which has brought the Northwest the lowest electric rates in the Nation; and

WHEREAS, Warren G. Magnuson was able to acquire vital assistance for the people of Washington State in times of emergency and dire need, such as the eruption of Mt. St. Helens, the destruction of the Hood Canal and West Seattle bridges, and numerous floods, droughts and other natural disasters; and

WHEREAS, Warren G. Magnuson provided leadership and assistance toward the development and improvement of elementary, secondary, and postsecondary educational opportunities; leadership that has resulted in the State of Washington having one of the premier educational systems in the Nation; and

WHEREAS, Warren G. Magnuson has played the primary role in the Congress to assure better health care for our country, including the passage of legislation to establish the National Cancer Institute, the National Health Service Corps, the Fred Hutchinson Cancer Center in Seattle, and the Veterinary Medicine Center at Washington State University; and

WHEREAS, Warren G. Magnuson was a strong advocate of a quality environment and was chiefly responsible for legislation to keep supertankers out of Puget Sound; and

WHEREAS, Warren G. Magnuson was a leading proponent of legislation to protect and preserve the rights of consumers; and

WHEREAS, Warren G. Magnuson has contributed in countless ways to the general well-being of the people of Washington State and the Nation;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That in recognition of the long and valued service rendered to the people of the State and the Nation by Warren G. Magnuson, the Senate and the House shall meet in Joint Session to honor Warren Grant Magnuson in the House Chamber on Thursday, March 19th, at 10:40 o'clock a.m.

AND BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall see that a copy of this Concurrent Resolution is presented to Warren G. Magnuson at such time.

The Speaker of the House presented Senator Magnuson with a framed original copy of the resolution.

An audio-visual presentation was shown to the body, highlighting Senator Magnuson's life and career.

The Reader of the Senate read the following letters to Senator Magnuson from Congressman Thomas S. Foley and President Reagan:

I regret that I cannot be there personally to add my voice to those paying tribute to a great man. For years I have benefited from the guidance and knowledge of Warren Magnuson as Washington State has grown and prospered from his service.

It is appropriate on this day as we pay tribute to you, Maggie, that we also pay tribute for the things you have done. As a result of your efforts, lives have been saved, medical knowledge furthered, wilderness areas set aside and farmland protected. In all, you have, in no small way, helped make this state great. We can never repay you for your compassion and concern—but we can thank you from the bottom of our hearts.

Sincerely,
THOMAS S. FOLEY, Majority Whip.

March 19, 1981

Dear Senator Magnuson:

I am very proud and happy to extend my congratulations and best wishes as your friends and former colleagues in the Washington State Legislature gather in a Joint Session to honor you.

"Maggie Day" is a special tribute to a special gentleman whose forty-four years in the United States Congress reflect your caring spirit and dedication not only to the people of your home state but to those of our great nation.

Nancy joins me in saluting you and your distinguished career.

With warm personal regard and, again, our congratulations.

Sincerely,
RONALD REAGAN, President.

TRIBUTES

Senator Bottiger: "Mr. President, members of the Legislature, I take great honor on speaking in behalf of the Democratic Caucus in the Senate, Maggie, to extend to you our tribute and our good wishes. I think each of us has a special story he could tell and the one that comes to mind most vividly to me is: Some few years ago when we had a problem with a tanker bill here in the Legislature—we had passed it; it got vetoed, and there were a couple of phone calls back to you and to your staff, explaining the problem and asking what could be done—of course, along came a little amendment to the Marine Mammal Act to preserve Puget Sound from the supertankers, hopefully for a long, long time to come in the future.

"More than any one story, I think what you left when you left the Senate, and what you contributed to all of us is more symbolic by the quality of the people you brought around you and the ability of you to collect the friends and instill the knowledge that you, and you alone, have. I think you have taught so much to so many that will last so long that this state will always have Warren Magnuson."

Senator Jones: "Mr. President, members of the Legislature, guests and fellow taxpayers (that gets us all into the act, I guess). Speaking for the Senate Majority Caucus, I would like to add these words, Senator Magnuson. We feel that it is appropriate that we pay tribute today to a man whose long and distinguished career began as a member of this body. You, armed with those legislative skills that you acquired here in Olympia, went on to represent this state in Washington, D.C. for over forty years. During that time you became a recognized leader in the areas of health care, communications and transportation. Your great love of the sea and its resources raised the issue of ocean policy to a level of national and international concern. You are a founding member of the bipartisan Northwest Coalition in the Congress with our neighbors from Idaho, Montana, Oregon and Alaska. The list of your accomplishments does seem endless, but in anyone's career there comes a time to pause and reflect on the record and it is in this spirit that we join together to honor you, Senator Magnuson."

Representative Gary Nelson: "Mr. President, ladies and gentlemen of the House and Senate, distinguished guests: I would like to reach back after having been reminded by the slides here today that when Warren G. Magnuson began his career here in the Washington State Legislature, he was known as the most expert and learned parliamentarian in these chambers. I guess the theory goes back that we had senators in public life who became identified with one major issue and we had others who became mechanics of this process, perhaps in a quiet fashion, and Warren G. Magnuson was known as the man who knew the process, sometimes being quiet until someone chose or gave him reason not to be quiet, and then Warren G. Magnuson let his feelings be known. I should point out to the new members of this body that learning the parliamentary maneuvers and learning how to make this process work is very important, and in his career here, Maggie was proof positive. Mr. Magnuson learned here, over half century ago, that good intentions are not always enough. That we must translate good intentions into good public policy. Sometimes, perhaps we didn't agree with Maggie's philosophy, but never did we question his good intentions.

"Mr. Magnuson, you've certainly made your mark on the citizens of the State of Washington and in this body. You began as a prosecuting attorney in the late twenties and early thirties. The state did have its gangster and undercover operation times even here in scandal-free Washington, and we are proud of the efforts you made on our behalf in taking that squeaky-clean reputation to Washington, D.C. as a congressman. Sir, we welcome you back today. We know that you will continue to make a contribution to our state. I guess we all should be careful because perhaps, sir, you may start over again in this legislature and most of us are getting to like our jobs."

Representative O'Brien: "Mr. President, ladies and gentlemen of the House and Senate, distinguished guests: Speaking on behalf of the Democratic Caucus, today we are honoring one of the most outstanding citizens of the Twentieth Century, Warren G. Magnuson, who began his elective public service career here in the Washington State House of Representatives. Today we are proud to have the opportunity to welcome you home, Warren.

"Warren G. Magnuson served in the 1933 Session of the Legislature and was Chairman of the Unemployment Relief Committee. Then, as now, we were very much concerned about the plight of the unemployed. At that time he introduced House Bill No. 88, an act relating to and providing for the development of the Grand Coulee Power and Irrigation Project. This bill was referred to his committee on Unemployment Relief, where for some reason, it never saw the light of day. I make reference to this incident only because, as many of you will recall, President John F. Kennedy, in his comments on Senator Warren Magnuson's achievements in the Senate, said that Senator Magnuson was an unassuming person, very humble in his relations with other Senators, and on one occasion, on the floor of the Senate asked them to support a little amendment to the budget bill which authorized the construction of the Grand Coulee Dam. Apparently Warren had been interested in that area for a long time.

"He rose to the highest position in the Senate, President Pro Tempore, which is constitutionally appointed third in line to the Presidency of the United States. We were all fully cognizant of the role he played as chairman of the all-powerful Senate Appropriations Committee, where he did more for our state than anyone in its history. His continued commitment to health care earned him the nickname of Mr. Health. In 1980, he was awarded an Honorary degree by the Georgetown University for his humane efforts in the field of health and welfare and students. The first bill he ever introduced in Congress established the National Cancer Institute which became the National Institute of Health. In 1973, he was the recipient of the Albert

Lasker Public Service and Health Award, which is considered by some to be as noteworthy as the Nobel Prize in medicine.

"One day at a reception in Washington, D.C., he commented that he had had a very difficult time with the budget that day where cuts had been made, and he said, 'You know the Senators are still talking to me and they are here tonight.' Which shows the deep affection that his fellow senators had for Warren Magnuson, and he had for them.

"Senator Magnuson was of tremendous assistance to us on the dedication of the Mother Joseph statue ceremony on May 1, 1980 in the national Capitol. He has been willing at all times, to be of service whenever called upon. His congressional staff and his long-time assistants were of great assistance to him. They were active and busy and he often referred to them as his 'bumblebees.' He had a great attraction for young people. Many wanted to serve on his staff as interns.

"Senator Warren G. Magnuson has received many rewards for his outstanding leadership and his assistance in the fields of education, consumer and environmental protection.

"Senator Magnuson will be sorely missed, not only by the people of this state, but the nation as a whole. We extend our best wishes to Warren Magnuson on his retirement from public service, and with the feeling that it must be a genuine source of personal satisfaction to him that his long and dedicated public service will be forever recognized in the annals of the history of the State of Washington and that he left a legacy to our state and nation that will be hard to surpass."

Speaker Polk: "Senator Magnuson, I am especially pleased and honored to participate in these proceedings, because what really unites all of us today is the fact that we are all here as legislators. Certainly, you, Senator, have had a long honorable service to our country and legislative productivity. One of the favorite things that visitors do when they visit the House of Representatives is walk around the offices upstairs on the fourth floor and see all the pictures of former legislators. Somewhere around 1933 is a fine one that has a handsome young freshman legislator with the name Magnuson under it. Do you remember what it was like around here in 1933? I don't, I have to confess, so I had to do a little bit of research. I thought as we go through the things we are going through this year it might be constructive to note what they were doing at that time.

"Things really haven't changed so much in the past thirty-five years, you'll find. Back then the press also clamored about the danger of prolonged legislative sessions, only then the headlines said, 'Solons predict 40-day session of the Legislature. Nelson sees little chance of legislative adjournment.' I can assure you, Senator, that is not our present majority leader but Senator L.H. Nelson. I note then, as now, government interference was a hotly debated topic. Thirty-six days of that particular session were spent on debating the state liquor system. This headline really fascinates me: 'Sale of liquor here confined to drug stores.' Right next to that is another headline which says: 'Legislators adjourn for lunch without deciding appropriation.' Some things never change. For a black Republican heart like mine, it was especially gratifying to note that the young Representative, Warren Magnuson, was in the forefront leading the fight for free enterprise as he opposed the state's intrusion into the free market in this question of the state liquor stores. I love this quote because the persuasion of the logic is overwhelming: 'My grandfather could produce and deliver bottled spirits faster than any state controlled agency.'

"In the area of committee work, very little has changed, my friends. Maggie's very first bill, just a little hummer to authorize state purchase of Grand Coulee Dam, didn't get out of committee. And of course there was a budget fight complete with court action to revise the 1934 education budget. So Senator, on this occasion, it ought to give us a lot of hope. Take special heed, freshmen legislators, who

thought it difficult to move your bill out of committee, that Maggie made it through all the adversities of being a legislator and how!

"Senator Magnuson, it is a pleasure for me today to present to you another plaque. I guess my role today is as a presenter. This reads, 'Since 1931 Warren Grant Magnuson has set the highest standards for public service. His dedication to the best interests of his constituents, the environment, the well-being of this nation and its people are hallmarks of his unparalleled career and an inspiration to legislators everywhere.' Thank you, Maggie."

President Cherberg: "Ladies and gentlemen, it is now my pleasure to perform one of the most rewarding act's I've done in my life. I'd like to say that behind every man who has ever climbed to the heights of success that Senator Magnuson has reached, there is a strong woman behind him holding the ladder—Jermaine Magnuson."

The President of the Senate presented Mrs. Magnuson with a bouquet of roses.

President Cherberg: "The best way to introduce the Governor is to do it short and simply, but I don't want to do that in this particular instance because I believe that most of you know that John Spellman's father, Bart Spellman, was a football coach at the University of Washington at the time that Senator Magnuson was an outstanding quarterback. Therefore, Senator Magnuson knew the Spellman family before John did. There's one other little angle, that being that Bart Spellman was also a coach at the University of Washington when I was trying to be a football player. I at least knew the Spellman family when John was maybe two or three years old. Now it is with great pleasure and high honor that I introduce, with all due respect and affection, His Excellency, the Governor of the State of Washington."

Governor Spellman: "Let me first say how happy I am Mr. President, distinguished members of the Legislature, honored guests, everyone, to be here to honor Senator Magnuson. Yes, Lieutenant Governor Cherberg, the Senator and I go back a long way. He not only, of course, played football with my father, but I know the night he was first elected he spent most of the night with my father.

I know also that he appointed my brother to the United States Military Academy and introduced me to the Supreme Court when I was first admitted to the bar, so we go back a long way. There is little to say about the history of Senator Magnuson's career as others have already said it so eloquently. I will read you a proclamation after while.

I think the Senator typifies a couple of things. First of all, Sam Rayburn's statement that, very early on, he learned to disagree without being disagreeable, which is a great virtue in public life. The thing that sticks out—I was trying to think what thing really does stand out—was maybe two years ago. I was in Washington D.C. as County Executive—and I have to add the Senator didn't start his political career in Olympia, he started in King County as prosecutor and a darn good one—I had to leave his office to go somewhere else and the Senator, who was Senate Leader Pro Tem, arranged for me to have a ride. It was, of course a very special car, with a hotline to the White House. The gentleman who was driving the car was somewhat senior, and we struck up a conversation, and I asked him about himself. He said, 'Well, I was the driver for Hubert Humphrey for the last few years of his life and the Senate assigned me to that position. When Senator Humphrey died, a lot of me died with him.' He said Humphrey was such a warm and caring man and he was confident that the void in his heart would never be filled. Then he concluded by saying, 'It has been filled. I called Muriel Humphrey the other day and told her that my period of sorrow was over, that Warren Magnuson has filled that position for me, because he is a man who really cares about people. About the people who drive him in the car, about people he meets on the street.' I think that is the outstanding

characteristic about Maggie. He has had an illustrious career, but based on the fact he cares about each individual person, no matter what their walk of life.

"So, as Governor, I'd like to read a proclamation:

WHEREAS, Warren Grant Magnuson has served the people of Washington State with extraordinary distinction for forty-eight years, including thirty-four years as this state's senior United States Senator; and

WHEREAS, he has displayed national leadership in the fields of consumer protection, health care, and environmental quality, among many others; and

WHEREAS, he has made inestimable contributions to the economic prosperity and enviable quality of life this state enjoys; and

WHEREAS, he demonstrated that public officials can and must work as a team if the well-being of the people is to be protected and enhanced; and

WHEREAS, he proved that humor and good will have a place in politics, while enmity should not; and

WHEREAS, he has been a legislative master who was always there, and always ready, whenever we needed him; and

WHEREAS, he is affectionately known as "Maggie" in every corner of his state; and

WHEREAS, we will heed his example always, but will not see his equal again; and

WHEREAS, it is fitting that we, the people, should pause to honor him and thank him, and show him the respect and admiration we feel for him and his great life's work:

NOW THEREFORE, I, John Spellman, Governor of the State of Washington, hereby proclaim Thursday, March 19, 1981, as

MAGGIE DAY

and urge all citizens of the state to follow the great example set forth by this very great American.

Signed, this 19th day of March, 1981

JOHN SPELLMAN, Governor.

President Cherberg: "Honored ladies and gentlemen, on several occasions the President has had the opportunity to be present when Senator Magnuson has received glowing introductions. On such occasions, the Senator would generally reply that if his father had happened to be present he would have enjoyed the remarks, but if his mother were present she would have believed them.

"Senator Magnuson, you have received the highest of accolades that the members of the Legislature and the officials of state government have been able to impart to you. I'm sure that every person in the House who has heard these remarks believes every word. I certainly do. I tried to do the best I could to introduce Governor Spellman and the best way, I believe, to introduce Warren Grant Magnuson is to just say, 'Here's Maggie!'"

Senator Magnuson: "Governor Spellman, John, Mr. Speaker, members of the Supreme Court, fellow legislators, ladies and gentlemen: I am a little bit overwhelmed and I suppose I ought to just say thank you and sit down and quit while I'm ahead, but I know you'll be patient with me and listen to a few remarks that I have prepared for this occasion.

"It was here, as has been mentioned so many times today, that my own life as a legislator started. I sat down there in the second aisle seat and that was 48 years ago. That's half a century almost. So there's a flood of memories—good memories—that well up in my body when I look at this Chamber. I'm sure that as I sat there that I never believed in my wildest dreams that I would be back here today, a half

century later, speaking to this group. But the Lord has been good to me. He's kept me well and healthy and here I am.

"Although I do not expect this to be my last visit here or with many of you, the fact that I now have a greater degree of freedom to say what I might makes it even more difficult to single out what I wish to say to you today. But knowing that some of you might have the good fortune, or the curse, whichever you want to call it, to serve as a legislator as long as I have, I want to say a few things about legislators. Although the problems facing you during this session loom large, they differ mainly in degrees to what my colleagues and I faced right here in 1933. They differ little from what all members of all legislative bodies in our nation have faced. They always boil down to just how to cope with the problems of the day. I've learned one thing, there aren't any new problems. There's just more of them. That's all—more of them—as the country gets bigger. I am always reminded of that. I have the front page of the New York Times from the day I was born and I can read all of the articles. Newspapers didn't have headlines in those days; they had little stories and everything was on the front page. All I have to do is change the names and the dates and it's the same old story. To meet the challenges of the day is the responsibility that we all assume when we seek legislative office—it is the burden of all who sit in legislative halls. Legislators—John, with due respect to the executive department—are the true keepers of the flame and we must be mindful of just how that happened and how all this got started in our nation.

"After the constitutional convention finally adjourned in Philadelphia and Benjamin Franklin walked out into the square, there was a crowd there and someone asked him, 'What kind of a government did you give us, Ben—a democracy?' He answered, 'No, we gave you a republic, if we can just make it work.' And we've made it work for over 200 years, haven't we?

"A republic means representative government, which you people are. Making it work is what legislating and legislators are all about; you are the power; you're the source, and you delegate out, as it were, to the executive, but elected representatives like yourselves must go about doing the people's business. Sometimes I think the reason we have more executives is because you can't be in session all the time and you've got to leave it up to the good will or at least the foresight or the hindsight of the executive who will carry out what you do.

"I know you must go about doing the people's business in their name and in their best interests and as each of you see it, trying to do what is best for all and not just what the loudest might demand. Now to ignore the problems of our constituents is one option that legislators have, but that is often an option that undermines public confidence. I know that most legislators, most of them, want to address themselves to the issues of the time. I've found, however, that legislators have varying degrees of looking at the same problems and that divergence of views causes problems within the legislature. But down deep all legislators—all of them that I know—Republicans and Democrats in the Congress—I've served with many of them—share the same goals. They want to do what is best for our state and the nation. It's just how to go about it that causes division, but that keeps things interesting, doesn't it? Some problems, I've found, might only need public exposure or extensive hearings and debate and review. Just talking it out, many of us legislators can talk it out without getting into legislation, might help resolve things without positive action. Whatever the problems that a significant number of our constituents face, that is the proper business of legislators. Legislative bodies are the repository of the people's power to do or not to do things. Only you can act. Executives carry out what the legislators direct. And that's just what Ben Franklin meant when he said, 'It's a republic.' It's a representative government, so you are very important people.

"If there is a single hallmark to my own career as a legislator, it was that I was in a position to accept a number of those challenges, delve into the problems and

explore the possible solutions with a vast number of experts and concerned citizens. I don't know how many hours and days and weeks I've spent in extensive hearings and listened to people like you're doing right now. Whenever a concensus was attainable we tried to make the solution work. And so, over the years I've found, as I mentioned earlier, there were not so many new problems—more often they were variations of old problems caused by growth in the country.

"It was mentioned here today that I was made chairman of the Unemployment Committee, a special committee formed in the 1933 Legislature. If you think you're having trouble with unemployment now, you should have been here then. We had hunger marches down in Olympia; people actually hungry. We appropriated the big sum of ten million for a bond issue to handle the unemployed—ten million dollars. We went through that depression period and we came out of it. We were very important people. It is another duty of legislators to see that change evolves slowly to meet the conditions of the time. It is never easy to determine that and to make that decision. There's a legislative prayer. It goes something like this:

"'Oh Lord, give me the courage to change what needs to be changed; give me the humility to accept what can't be changed; but above all, Lord, give me the wisdom to discern between the two.' That's a legislative prayer.

"Change, itself, is inevitable in our institutions, especially the legislative, and you are designed to be responsive to the need for change. Most of the forces seeking change today are represented within legislative bodies, and they can all be heard right here. The marvelous, resilient, adaptable energy of our free political system should focus right here with you. To me evolution of legislation is the most appropriate engine for change. Now there have always been those opposed to any change; their approach to politics is negative. The media has a habit of grading legislative bodies according to the number of bills they pass. They have a chart. Well, I can tell them, and you can tell them, that it's sometimes harder to kill a bill than it is to pass one. That takes some doing. It could be that if a legislature did nothing—didn't do anything affirmative, except the housekeeping, which they have to do—it could be listed as a good legislature. Some people would like that. That's why our forefathers in the State of Washington limited us to a sixty-day session. We used to stop the clock; you don't do that anymore—we'd stop the clock and go on for awhile, not too long, but we had to stay in session continuously. Everybody had a bet around here.

"Some people just don't trust government anymore but, deep down, maybe they don't trust people either. But we must trust government and we must trust the people; for government is the one institution that the people, collectively, put in place to meet whatever needs the people might have. Government remains ever accountable to the people and, through them, that means you. It is a legislator's duty to see that government works well so it will be trusted. Whether it be the town meetings of colonial days or legislative chambers like this, it is right here, with legislators like yourselves, where all public issues come home to roost. It is right here where the job must be done.

"I have received a great honor today. Jermaine and I are quite proud of it; very humble about it, and it is with no small amount of envy that I view the challenges that you face and your position to do something about them. I know you will meet those challenges and you will try to represent your constituents the very best you know how as you see it. You may see differently from your colleagues but, as I say, that's what makes things interesting.

"The other day at a press conference some reporters asked me what I'd learned in 48 years as a legislator. That's a tough question. I had to pause and think awhile. I looked back over my service and thought that you can't be an efficient legislator unless you have the respect of your colleagues. That's the main thing and one of the main ingredients for that respect is, first and most important, your word must be

good. Perhaps it's a little old fashioned but your word in legislative bodies should be as good as your bond. You don't have time to make written contracts.

"Another thing I've learned is most legislators get into trouble because they talk too much. No legislator is defeated by what he didn't say. There are show horses in legislative bodies and there are work horses. The work horses usually stay and the show horses sometimes run into political trouble. They prance and show off too much. I'm of the work horse school in a legislative body. I also learned that if you have the votes you don't need to make a speech.

"I'm a good example of that. A Senator named Harry Berg, Sr. had been trying for years to abolish the RFC. He didn't talk very much. His son succeeded him and he didn't talk very much either. He won by one vote to abolish the RFC. His colleague was absent that day and had worked for a week on his speech and he wanted to give it, so Harry Berg, to help him out, moved to reconsider the vote and let his colleague give his speech. His colleague made his 1-hour speech against the evils of the RFC and they called for the roll again and they lost by 2 votes.

"The last thing I've learned is you must gauge your decisions on all legislative matters by asking yourself, 'Is this in the best interests of the state or nation?'—not just what might please some single-issue interest group. Do not give in to the tyranny of single-issue politics. You are here to represent everyone in the state whether you're a Republican or Democrat. I wish you every success in your duties. And I wish some of you have the same good luck that followed me in my own legislative endeavors. In time to come we might even work together on specific issues or public programs for I am not about to lay aside all of my interests and concerns in the public realm. I don't think I'll run for the legislature because I live in the 37th District—the district I represented in Congress—but I couldn't beat George Fleming because he's too good a Senator. You know we had a lame duck session in Congress after the election and someone characterized me—all the columnists—that I wasn't a lame duck; I'm a retired rooster. The rooster is about ready to crow again every once in a while even though he's retired.

"In closing, if I did not express fully, for both myself and Jermaine, our heartfelt thanks to all those here who have been so considerate, so helpful and kind to us over the years. That you've all been so kind does me honor enough. Good luck—and God bless." (Applause)

The President of the Senate requested the escort committees to escort Governor Spellman and the U.S. Congressmen from the House Chamber.

The President of the Senate requested the escort committees to escort the State Elected Officials and the Justices of the Supreme Court from the House Chamber.

MOTION

On motion of Mr. Nelson (G), the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker of the House.

The Speaker requested the Sergeants at Arms to escort President Cherberg, President Pro Tem Guess and the State Senators from the House Chamber.

NOON SESSION

The President called the Senate to order at 12:28 p.m.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of gubernatorial appointment 371, Donald W. Moos.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Newhouse, the appointment of Donald W. Moos as Director of the Department of Ecology was confirmed.

APPOINTMENT OF DONALD W. MOOS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Donald W. Moos and appointed Senators Newhouse, Wojahn, Rasmussen, Talley, Hayner and Gallagher to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Mr. Moos to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

SPECIAL ORDER OF BUSINESS

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, by Committee on Education (originally sponsored by Representatives McDonald, Taylor, Chandler, Bond, Flanagan, Barr, Smith, Wilson, McGinnis, Struthers, Lundquist and Amen):

Implementing law relating to payment of school district personnel.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 166. On March 13, 1981, the measure failed to pass the Senate. On that day, Senator Hurley gave notice of reconsideration. On March 16, 1981, Senator Hurley moved the Senate reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass the Senate. At that time, on motion of Senator Bottiger, and amended by Senator Fleming, the motion for reconsideration was made a special order of business for March 19, 1981 immediately upon convening on a roll call vote.

Debate ensued.

President Cherberg: "The special order of business. A motion by Senator Hurley that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass."

Senator Bottiger: "Mr. President, having voted on the prevailing side . . ."

President Cherberg: "The motion to reconsider has already been announced, Senator. No action has taken place."

Senator Bottiger: "Mr. President, members of the Senate.

"The purpose of the motion to reconsider the vote by which House Bill 166 failed was to permit us to prepare an amendment that would provide the necessary tightening down of the language in 166 and yet still permit collective bargaining. Now the amendment is on your desk and I now move to commit the bill to the . . ."

President Cherberg: "Senator Bottiger, the President believes that the Senate will have to act on the reconsideration motion in order to have the bill before the Senate."

PARLIAMENTARY INQUIRY

Senator Hurley: "Point of parliamentary procedure, then. The bill has failed and a negative vote, a vote 'no' would mean the bill would continue in its failed state, a vote 'yes' would put the bill back for reconsideration."

REPLY BY THE PRESIDENT

President Cherberg: "Be back before the Senate for disposition. Senator Hurley."

REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President and members of the Senate.

"The remarks that I intended to make on final passage, I am not sure they are going to be made on final passage, so I think probably I had better make them now, in support of your vote for reconsideration of, because of the failure of 166 last week.

"I intend to vote 'yes' on 166 today if I have a chance and I have a few compelling reasons why I want to do this. I want to put us back on the road to equalization of educational opportunities for children, based as they were when we established that program a number of years ago on teachers' salaries.

"And I think 166 will be a strong disincentive for teachers' strikes, and a benefit for parents and children throughout the state, and I'm thinking in particularly of my area over there in Spokane.

"As far as the argument for local control goes, I just want to say that I am for local control. But local control, to me, means the ability on the part of school directors to say 'yes' or 'no.' However, what we seem to have is not local control, but lack of local control. And I can understand that. It gets to be an impossible situation when a strike is called the day school starts in the fall, or is supposed to start. And these strikes tend to go on for weeks and weeks. Parents get frantic because the children aren't in school; and even the children get antsy and begin to think of school as maybe a pretty good thing. And frustrated school boards look every place they can with the possibility of snatching at some funds in order to add them to the salaries and put the teachers back to work and schools back in operation.

"They find these funds. They find them in leftover reserves, they find them in supplies and books, and they find them in special programs for children. And I am one who thinks that school is for children; school is not for teachers; school is for children. And I speak from long many years of experience; I always thought that if I were ever compelled to strike I would not do it and we had these talks out many, many times in front of our own district there in the valley.

"Now each time legislative guidelines are exceeded, guidelines for salaries are exceeded, then the time for the equalization to be completed is extended. And as the rate of equalization extends, there comes a possibility that we will never have equalization at all. And this is the program we started out on in 1977 under a court mandate. I am for it and this is one of the reasons why I strongly support 166."

REMARKS BY SENATOR HUGHES

Senator Hughes: "Mr. President, members of the Senate.

"Responding to the remarks of Senator Hurley, both Senator Hurley and I are within a district that had a strike. I have introduced legislation for the last three sessions that addresses the issue of strikes. It requires binding arbitration. That bill still sits with this body.

"You want to insure prevention of strikes; that is the proper mode to go. I think Senator Hurley's reasoning is faulty. This will insure strikes and it will insure them,

not on a district level, but on a statewide level. And I think the individual teacher will no longer look to his local association and his local school board.

"What we saw yesterday will be nothing compared to what you will see in the future. I, too, care about children; I have taught for thirteen years in the school system. And I don't think there is anything anywhere in the Durand decision that requires equality of pay and there isn't any member on this floor right now could stand and cite any portion of the Durand decision that requires that.

"What we are doing is taking a very simplistic approach to a very complex problem and we're going to tie the hands of school boards to recruit the best teachers in the areas where it may be most difficult to teach in. And this is just one step in a long series of removing local control and local authority.

"I will make a prediction and I have never been more confident in my life; if we pass this legislation we will regret it more than anything we have done in recent times."

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Hurley that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 166 failed to pass the Senate.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Wilson, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—22.

MOTION

Senator Bottiger: "Mr. President, I move that Senate Bill 166 be committed to the Senate committee on education with instructions to consider the amendment proposed by Senators Gaspard, Hansen and Bauer which is on the desks."

President Cherberg: "Senator Bottiger has moved that Engrossed Substitute House Bill Number 166 be committed to the Senate committee on education for the purpose of considering an amendment."

POINT OF ORDER

Senator Clarke: "Mr. President, Point of Order."

President Cherberg: "Senator Clarke will please state his point."

Senator Clarke: "Point of order. Is the motion not in order until the bill has been returned to second reading which takes a suspension of the rules.

"The bill is presently on third reading and the ruling of the chair has always been that, in order to revert, since it takes a two-thirds majority to advance in suspension of the rules, but it also takes a two-thirds majority to, in effect, return the bill to second reading.

"Now I am quite aware of rule 73 which says that 'A bill may be committed with special instructions to amend at any time before taking the final vote.' I submit, however, that that relates to a bill which, in effect, is in a second reading status because if the entire body is not in a position to amend when it's on third reading,

and it takes a suspension of the rules to return from third to second reading, certainly a committee which is but an arm of the body, is in no position to receive and consider amendments on a bill when the bill is in third reading capacity.

"So my Point of Order is that, unless and until the bill is returned to second reading for amendment, the motion by Senator Bottiger is not in order."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking to the Point of Order, the rule is clear, unambiguous, plain on its face. 'A bill may be committed with special instructions to amend at any time before taking the final vote.' Now if that were not clear and it needed an interpretation, we could argue the reasoning. But when a rule is that clear it seems to me, Mr. President, that it speaks for itself."

REMARKS BY SENATOR CLARKE

Senator Clarke: "The answer simply is that the obvious reasoning for the rule 73, is that where the Senate has, in effect, the bill on second reading, so that amendments are properly considered by the Senate, the Senate may well feel that it is not in a position to suggest or consider amendments, and for that reason would want to return a bill to a committee in order that the committee should give more specific consideration and deliberation with respect to proposed amendments.

"Now the fact that a bill may be committed with special instructions at any time does not mean that the bill must be in a second reading position. In other words at any time before the final vote, the body, if it so desires, may amend the rules and return the bill to second reading at which time a motion would be proper to send the bill to committee in order that the committee should consider the particular amendment."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "In rule 66, would indicate that 'When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order: first, the committee of the whole senate; second, a standing committee; third, a select committee.' And in addition to that, we've had many motions on this floor recently to relieve the rules committee and bring it out on the floor or transfer between committees. I think that's the pleasure of the body at any time; doesn't matter whether it's on third reading or second reading or could be even first reading.

"So I don't think Senator Clarke's Point of Order is well taken."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, in ruling upon your Point of Order, the President believes that many of your remarks are correct inasmuch as in order to return a bill from third reading or final passage to second reading, that it would require two-thirds vote. However, the President believes that rule 73 is quite explicit inasmuch as it states that 'A bill may be committed with special instructions to amend at any time before taking the final vote.'

"The President believes that is quite clear and specific and permits the motion to be in order. Senator Bottiger."

The motion by Senator Bottiger was ruled to be in order.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Two-pronged, I guess, Mr. President. With the motion to commit with instructions to consider a certain amendment, is that limiting to that amendment and do you consider that specific instructions?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion to commit with instructions opens up the main question. The President believes if the Senate acts favorably upon the motion that the bill, in essence, will take the course of a new bill."

PARLIAMENTARY INQUIRY

Senator Newhouse: "And when it comes back to the body, if it comes back, would be again on third reading or again on second?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes it would be on second reading, Senator Newhouse."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, members of the Senate. I also rise to urge the body to support Senator Bottiger's motion to send this bill back to committee with the instructions of considering the amendment that is before us.

"Many of us are concerned about what is happening in our school districts these days; but I think our concern ought to be, and ought to focus around local control. I am afraid if we take 166 in its present form, that we will no longer have local control in our school districts. . . . tried to come up with an alternative. This is our second alternative. We felt our first one was a good one, but it was defeated; and now I guess we would like to try again and even with stricter language.

"As Senator Bottiger indicated, this language would still allow for some bargaining, but bargaining that would be very, very limited in scope. If you look at the provisos, the two provisos in the amendment that is offered by myself and Senator Hansen and Senator Bauer. The first RCW reference is to the basic education law. The reference is, that in order to increase compensation levels for employees in basic education programs above that amount, specifically provided in the budget, we can't do; we can't go beyond that.

"The second RCW reference deals with the categorical and we can't take money out of categorical to give across-the-board salary increases.

"Not much is left. But I ask you, how do school districts develop a surplus in the first place? I would hope it would be because of good management, and not at the expense of the teaching profession, not at the expense of the students, but good management. And if we want good management, shouldn't we be able to reward those people who do a good job? Shouldn't they be able to negotiate for something that's higher than what the state provides, if there is good management in a school district? I think they should.

"We also recognize that if they do that, the state will not pick up the cost and the state will not assume that to be . . . for the next year when . . . state's money for salaries. It is not only teachers' salaries but it is administrative salaries, it's superintendents' salaries. Last school year the average salary for classroom teacher was \$18,800.

"The superintendent of public instruction of the state of Washington is paid \$42,500. There are approximately 81 local school district superintendents that make

more money than the state superintendent of public instruction, a couple of them almost to the range of \$70,000 a year. Now those costs are figured in when we look at the over-all average, when we are talking about salaries.

"I guess if we are really concerned about salaries, maybe we ought to look at the top level and stop picking on the person who is there to do the job and to teach the students of this state. With so many restrictions and so many burdens on the classroom teacher that we've made it so difficult for them to do the job that they're hired to do, and that's to teach. Maybe if we took some of these restrictions off, we would see a better product in our students than we are seeing today.

"I think it is important that we consider this motion because I think it's important that we think twice about the alternatives that this amendment will provide. I think we ought to think twice before we make local control of education a mere shadow of a slogan because that's what we will do if this motion doesn't pass and we pass 166, in its present form. I think we should think twice before we trample over the collective bargaining rights of about 50,000 citizens of the state of Washington. I think we should think twice before we establish a new superagency because it is going to take more money, more bureaucracy, to deal with the salary issue for over three hundred separate and local school districts.

"I think that we should let the people of the state of Washington know that we can put partisanship below public responsibility. And I think it is important that we work together for people than against one another for partisanship."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President, speaking against the amendment, it is obvious that what is attempted to be done here is to use an apparent technicality in the rules to, in effect, circumvent what the Senate has already done. We have debated this bill on second reading with all sorts of amendments; it has reached third reading. Now the proposed motion, I call your attention, is to send it back to committee with specific instructions as to a specific amendment. Now that cannot be done, to ask the Senate itself to consider that amendment, so the idea, in effect, of opening the whole subject up again and sending it back to committee with specific instructions to do something which cannot be done by the Senate as a body who is sitting here, go over things that have already been debated, makes no sense whatsoever and I urge your rejection of the motion."

Senator Fleming: "I'd like to demand a roll call, please."

President Cherberg: "Senator Fleming has demanded a roll call on the question; do one-sixth of the members present join in the demand?"

"The demand for the roll call is sustained."

POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Clarke yield to a question?"

"Senator Clarke, you will not yield, but I will ask the question anyway. You spoke in terms of the curiosity of this particular move. It's been made before but you also spoke in terms of this motion sending the bill back to committee with specific instructions to consider amendments.

"Would you be willing and those members on your side of the aisle who might vote against this motion, would you be willing to send the bill back to second reading and support that motion with the vote to take it there?"

Senator Clarke: "In response to the question, I would say 'no.' My remarks were that the bill was thoroughly considered on second reading; there was ample opportunity to offer any and all amendments; the body advanced the bill to third reading. It was held over because you decided that you didn't want to bump it so this can be nothing else but a further delaying tactic."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate.

"There's something that's going unsaid here and that is that the budget which sets the range of appropriations to the school districts of the state, hasn't yet been heard. Now we understand that you've been discussing it in your caucus but we would like to know what that budget is going to look like in the way of the ratio of FTEs to school students, to kids in the classrooms, what changes are going to be made; and we are concerned as to why House Bill 166 has to go ahead of that. It's a House bill; we're considering it before the budget. Now there has to be a reason why this thing has got so important that it has to go ahead. And we are becoming a little suspicious that that budget's going to have some language in it that it will be too late for you or us to do anything about it if 166 is already passed.

"We would just like to warn a concern of ours that might be shared by a lot more people very shortly."

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that Engrossed Substitute House Bill No. 166 be referred to the Committee on Education with instructions.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—25.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 166, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 166 and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody—23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, having received the constitutional majority, was declared passed on reconsideration. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, I will read the parliamentary inquiry and submit it to you for your consideration. When this Senate initially convenes as a

publicly elected body, determines its membership, elects its officers, selects its committee chairmen, membership and staff, adopts its permanent rules or relies on the permanent rules of the previous biennium, and notifies the House of Representatives and the Governor that it is organized and ready to conduct the public business, then for the sake of the institutional stability and the integrity of this Senate as a public body, is this Senate permanently organized for the biennium as a fundamental constitutional principle under Article 1 of the Washington State Constitution so as to efficiently and orderly accomplish the public business?"

POINT OF ORDER

Senator Clarke: "I raise the Point of Order on two grounds, first, that the inquiry is not timely in that it relates to a matter that the Senate has as a body, has already taken action upon so that therefore the matter is not properly one for determination by the presiding officer, having already been acted upon and decided by the body; also for the further reason that it relates to a matter that is not currently before the body."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, in answer to Senator Clarke, a parliamentary inquiry on a constitutional issue is always timely."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, Senator McDermott, the other members of the Senate. The President has traditionally taken the position that it is not the prerogative of the President to rule on constitutional matters."

MOTION

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

MOTION

On motion of Senator McDermott, there being no objection, the Parliamentary Inquiry made by Senator McDermott on March 13, 1981 was withdrawn.

MOTIONS

On motion of Senator Lee, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 3821.

On motion of Senator Lee, Senate Bill No. 3821 was rereferred to the Committee on Higher Education.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 3978.

On motion of Senator Lee, Senate Bill No. 3978 was rereferred to the Committee on Ways and Means.

MOTION

Having given prior notice, Senator Charnley moved the Senate do now consider Senate Resolution 1981—33.

MOTION

Senator Hayner moved Senate Resolution 1981—33 be referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, in responding to my parliamentary inquiry, you said it was your custom not to rule on questions of constitutional issues. Is that your decision in this case?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator McDermott."

POINT OF INQUIRY

Senator Bottiger: "Mr. President, I would like to ask Senator Sellar a question that is of import and I know of no way technically, to do it under the rules except just to get up and ask him if he will yield to a question.

"Senator Sellar, the meeting announcement for the financial institutions and insurance committee on House Bill 31 has been published which would indicate an 8 o'clock Wednesday, March 25, and you sent us notice of that; and then Friday at 8 o'clock, a public testimony; and then Friday, that same Friday at 2 o'clock, work session.

"And we had some people that we would like to invite to testify, and I'm wondering if you could give us an indication of, is the single two-hour public testimony hearing the only hearing that will be held for testimony?"

Senator Sellar: "Senator Bottiger, when we get the work session we can certainly allow some additional testimony in work session as we get working on the amendment. The following week, I intend to follow exactly the same schedule, so there'll be an 8 a.m. and a Friday, so we will follow the same schedule for two weeks. It is hopeful that we can deal with substantial amendments to the bill and get through it in that time frame. If we can't, we will have to do something else. But the following week, we will have the same schedule."

POINT OF ORDER

Senator Charnley: "My Point of Order is that, if I may speak on my motion which was before the body."

RULING BY THE PRESIDENT

President Cherberg: "The motion is open to amendment. You may speak on your motion, but . . ."

Senator Hayner: "Would not my motion take precedent over his?"

President Cherberg: "Yes, Senator, on the motion to refer the resolution to the rules committee."

The President declared the question before the Senate to be the motion by Senator Hayner that Senate Resolution 1981—33 be referred to the Committee on Rules.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Hughes: "Thank you, Mr. President and members of the Senate."

"I wonder if Senator Hayner would yield to a question? Perhaps I could ask the question to the body, then.

"I wonder what purpose would be served, Mr. President and members of the Senate, to deny the public the right to know how each member voted on issues that affect something as profound as the budget? I just find it absolutely unacceptable to hear that we might slow down the process by having a roll call vote, and at the same time, denying knowledge to the public.

"I think this is obviously a fallacious argument, a very simple amendment that we do not wish to deny the public a basic right; we should act on this motion at this time."

(Senator Hayner declined to yield.)

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, would you inform me: is a resolution considered to be a bill? The reason I ask, under the Senate rules here we have what are called 'bills,' we have 'joint resolutions,' and 'memorials.' There seems to be a distinction."

President Cherberg: "Are you talking about a floor resolution, Senator?"

Senator Gaspard: "Mr. President, I am speaking specifically to senate resolution 1981—33."

Senator Hayner: "Sixty-four says that ' . . . resolutions shall be subject to the rules governing the course of bills . . .'"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Hayner, the President believes that rule 64 concerns itself with concurrent resolutions."

Senator Hayner: "Mr. President, let's try 59 then. There is a definition of a bill, there."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, if I may, I would just point out that that refers to a joint resolution, just as you have indicated previously, 64, that was a concurrent resolution."

REPLY BY THE PRESIDENT

President Cherberg: "Perhaps the President can clarify the situation by stating that Senator Hayner's motion is proper and in order."

Senators Hayner, Clarke and Benitz demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hayner that Senate Resolution 1981—33 be referred to the Committee on Rules.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner carried by the following vote: Yeas, 24; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senators Haley, Shinpoch—2.

SENATE RESOLUTION 1981—33 was referred to the Committee on Rules.

MOTION

On motion of Senator Clarke, a motion for reconsideration on Engrossed Senate Bill No. 3372 by Senator Woody on March 18, 1981 was held for consideration on March 20, 1981.

MOTION

At 1:35 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Friday, March 20, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 20, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Alaina Hunter and Marie Sauter, presented the Colors. Reverend George Mitchell, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 18, 1981.

SENATE BILL NO. 3018, updating provision allowing state credit union to exercise powers conferred on federal credit unions doing business in state (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3159, authorizing interest rate parity between state savings and loan associations and other lenders (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3184, creating the family day care home registration pilot project (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3184 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3185, authorizing sale and use of DMSO as a legend drug (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3185 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Moore, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3292, defining the crime of refusing to report a fire (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3293, granting police powers to arson investigators (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading..

March 17, 1981.

SENATE BILL NO. 3295, modifying provisions on arson (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3309, giving building warden immunity from liability for acts arising from assigned duties (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3309 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3320, prescribing procedures for conversion of mutual savings banks to capital stock savings banks (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 3320 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3328, creating the legislative facilities committee to provide legislative control over legislative buildings (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3328 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3549, impounding vehicles driven by unlicensed drivers (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3549 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3582, providing for reports of abuse of dependent elderly persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3582 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3595, permitting public service companies to sell, lease, or otherwise dispose of property to municipal corporations without authorization of the utilities and transportation commission (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hemstad, Hurley, Moore, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 4, 1981.

SENATE BILL NO. 3726, providing for higher interest rates on delinquent property taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3726 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3729, modifying procedures under the shoreline management act (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3729 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3777, establishing appeal and collection procedures for proportionally licensed vehicles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3777 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Guess, Hansen, Metcalf.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 3778, revising proportional vehicle licensing laws (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3778 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3929, implementing law relating to rules and regulations governing vocational-technical institutes (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3929 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Benitz, Chairman; Charnley, Guess, Patterson, Scott.
Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE BILL NO. 4315, extending powers of joint operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 4315 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Wilson, Woody.
Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 4348, establishing revolving funds for the division of banking and the division of savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE JOINT MEMORIAL NO. 110, requesting federal funding of fish enhancement projects (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 12, 1981.

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:

The Honorable Floyd A. "Pat" Wanamaker appointed March 9, 1981, for a term ending June 30, 1986, succeeding James P. Shaffer as a member of the State Transportation Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to the Committee on Transportation.

Office of the Governor, March 13, 1981.

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:

Mr. E. Bruce Woodruff appointed March 10, 1981, for a term ending September 30, 1985, succeeding Claire Thomas as a member of the Board of Trustees for Community College District No. 8.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 13, 1981.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ms. Claire Thomas reappointed March 10, 1981, for a term ending September 30, 1983, succeeding Dr. Samuel E. Kelly as a member of the Board of Trustees for Community College District No. 8.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 13, 1981.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

G. W. Burchim, D.C., reappointed March 10, 1981, for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 13.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 12, 1981.
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:

Mr. Rene J. Remund, appointed March 10, 1981, for a term ending September 30, 1985, succeeding William G. Keller as a member of the Board of Trustees for Community College District No. 12.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 12, 1981.
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:

Ms. Thelma J. Jackson, appointed March 10, 1981, for a term ending September 30, 1986, succeeding Dr. Eugene W. Wiegman as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 13, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ms. Ina V. Knutsen, reappointed March 10, 1981, for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 7.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 12, 1981.

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:

Mr. Charles C. Stidham, appointed March 10, 1981, for a term ending March 1, 1987, succeeding Joan Thomas as a member of the Board of Tax Appeals.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, March 19, 1981.

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:

Mickey S. Eisenberg, appointed March 17, 1981, for a term ending July 1, 1984, succeeding Dr. M. Scott Linscott, Jr., as a member of the Emergency Medical Services Committee.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, March 19, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Anna Mae Ericksen, reappointed March 17, 1981, for a term ending July 1, 1983, as a member of the Emergency Medical Services Committee.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

MESSAGE FROM THE HOUSE

March 20, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 166, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 166.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of former Senator Reuben Knoblauch and appointed Senators McCaslin, Hansen, Benitz, Gaspard, Gallagher, Rasmussen and Wojahn as a committee of honor to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Senator Knoblauch to address the Senate and present rhubarb to the members.

The committee was discharged and Senator Knoblauch remained on the Senate rostrum during the day's session.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3342.

SECOND READING

SENATE BILL NO. 3342, by Senators Fleming, Talmadge, Ridder, McDermott, Bottiger, Scott, Bluechel, Jones and Charnley:

Making malicious harassment a crime.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3342 was substituted for Senate Bill No. 3342 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3342 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Bluechel, Senator Gallagher was excused.

On motion of Senator Ridder, Senator Woody was excused.

POINT OF INQUIRY

Senator Pullen: "Senator Fleming, I believe it is important that we clarify legislative intent on this bill. I very much want to put a stop to malicious harassment. But at the same time I would not like to see someone arrested for conduct which, although it would be highly objectionable to you or I, should not be classified as criminal conduct. To help establish legislative intent, I need to ask you some clarifying questions.

"My first question is this: suppose a person were caught painting the following message on the home occupied by a Jewish family, 'Get out while you still can before you join the six million.'

"Would it be your intent under Substitute Senate Bill 3342 that such an act would constitute a class C felony?"

Senator Fleming: "If inflammatory remarks in terms of name-calling that has been used in past and still is by some, relating to that Jewish family in a threatening way, yes, it would, for two reasons. Number one, the painting of the message on the home did physical damage to the Jewish family's property. Number two, the message is very intimidating and threatens physical injury to that family."

Senator Pullen: "Thank you, Senator Fleming. Let's consider another example. Suppose a person were caught burning a cross on the lawn of a black family. Would it be your intent in this second example that such an action constitute a class C felony under the terms of the bill?"

Senator Fleming: "Yes, because by tradition, the burning of a cross is an intimidating action and represents a threat to the black family's safety or property."

Senator Pullen: "Thank you. I have one final question. Suppose a black person were walking down the street and a Caucasian yelled from the other side of the street, 'I wish all blacks would go back to Africa.' Would it be your intent that such an action constitute a class C felony under the terms of Substitute Senate Bill 3342?"

Senator Fleming: "No, it would not be, Senator Pullen. While I condone neither the language or the attitude of the prejudiced Caucasian you used in your example, he or she would not be violating the law under the terms of this bill, because he was merely expressing a personal thought, although highly prejudiced point of view, and was not threatening harm to the black person."

Senator Pullen: "Would it have made any difference if the Caucasian had referred to the black person by a name more inflammatory than the word 'black?'"

Senator Fleming: "No, not so long as there was no implied threat or harm to the black person or his property."

Senator Pullen: "Senator Fleming, I feel that your responses have helped clarify this important and excellent bill and based on your clarifications, I want to give this measure my wholehearted support."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3342, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—47.

Excused: Senators Gallagher, Woody—2.

SUBSTITUTE SENATE BILL NO. 3342, 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 Clarke, Senate Bill No. 3206 was ordered held for consideration on March 24, 1981.

SECOND READING

SENATE BILL NO. 3347, by Senators Charnley, Goltz and Patterson:
Implementing law relating to waivers by institutions of higher education.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3347 was substituted for Senate Bill No. 3347 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Charnley, the rules were suspended, Substitute Senate Bill No. 3347 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3347, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—47.

Excused: Senators Gallagher, Woody—2.

SUBSTITUTE SENATE BILL NO. 3347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3600, by Senator Guess:

Protecting proprietary information.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 1, following line 16, insert "This section does not apply to plans, specifications and proposals for nuclear power plants or ferries."

Debate ensued.

POINT OF ORDER

Senator Lysen: "Is it valid for Senator Guess to make a judgment on whether Senator McDermott knows what he is talking about or not?"

Debate ensued.

On motion of Senator Clarke, Senate Bill No. 3600, together with the pending amendment by Senator McDermott, was ordered held for consideration on March 24, 1981.

MOTION

On motion of Senator Bluechel, Senator Gould was excused.

SECOND READING

SENATE BILL NO. 3632, by Senators Wojahn and Clarke:

Modifying provisions relating to branch banking.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3632 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Sellar, I notice that the emergency clause requires an effective date of July 1, 1981. I am curious as to why that particular date was designated as the effective date of the act."

Senator Sellar: "Well, it was . . . as we talked about that, that there are a couple of banks that are considering branching at this point, particular time, and we felt that a time certain would allow them to go ahead with those plans where, as the indefinite time of when it was passed and when it is signed could facilitate their actions."

Senator Goltz: "I appreciate that; I was wondering whether this is not, as a matter of fact, starting the process of branching quicker or earlier than other banks might be able to consider the effect in their areas. It sounds like it's rushing it a bit, and I was just wondering whether a later date, effective date, had been considered?"

Senator Sellar: "We talked about a couple of particularly different dates; this seemed to be reasonably agreeable to the financial communities that were represented there."

POINT OF INQUIRY

Senator Talley: "Senator Wojahn, in your remarks, I may have misunderstood you, but you said 'in the unincorporated areas of the county.' It is in the incorporated areas too, isn't it?"

Senator Wojahn: ". . . July 1 of 1981 they would be able to branch into the unincorporated areas. If they are located within a city, they cannot go into another city, but they can go into the unincorporated areas. Then July 1 of '85, they could go into other cities."

Senator Talley: "I believe there is a question; I didn't read the bill that way. It says they can branch anywhere within their own county now, in July."

Senator Wojahn: "That is correct and I believe it is in unincorporated areas at that point."

Senator Talley: "They can do that now, Senator Wojahn."

Senator Wojahn: "Then the bill would permit them to go into cities within their county, Senator."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Yes, to clarify that point which was just brought up by Senator Talley. After July 1, the bank can go into the same county in which it exists now, either cities or the county area; and any place in the state after 1985."

STATEMENT FOR THE JOURNAL

SENATE BILL 3632

"Existing law imposes restrictions on branching into incorporated areas of the head office county of a bank. On the effective date of this act, banks will be able to branch into all incorporated areas, as well as unincorporated areas, of their head office county."

Signed: SENATOR GEORGE SELLAR

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3632, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin,

McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Bottiger, Lysen, Shinpoch, Vognild—4.

Excused: Senator Gould—1.

SENATE BILL NO. 3632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3385, by Senators Vognild, Gallagher, Patterson and Haley:

Authorizing private salmon release-recapture facilities.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3385 was substituted for Senate Bill No. 3385 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment:

On page 5, line 14, after "fish" strike all the language down through "application" on line 16.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

Senator Lysen moved adoption of the following amendment:

On page 9, line 13, strike subsection (3).

Renumber remaining subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, how are you going to determine which fish are raised by the corporation and which fish are raised by the state hatcheries? Now I am depending on the advice of my good friend Senator Gallagher, who tells me that fish roam and he has the statistics to prove it.

"At what point do we determine that these fishtraps are catching hatchery-raised fish or corporation fish?"

Senator Vognild: "Senator, the director of the department has the authority of siting. The bill states that he shall not site where it will endanger a natural run or where it will endanger a state-operated or a nonprofit-operated facility. He also has the authority to order tagging if he deems that necessary in order to determine where the fish are going.

"When you talk about fish 'roaming,' you are talking about a very small percentage of fish that roam; and I might add that they roam both ways, so I just don't see that they would be a problem under this bill."

Senator Rasmussen: "Well, I think it will be a problem. It has been a problem in Oregon and I don't see any clear definition in the bill; I don't see that we are going to have any more success in defining that hatchery or corporation fish than they have in Oregon."

REMARKS BY SENATOR GALLAGHAN

Senator Gallagher: "I would like to respond to that a little bit.

"This piece there says that it will be at the facility which is located within tide-water in all of our hatcheries presently operating have a weir which traps those fish when they return to their home to spawn. And that is what we are talking about. In that pond then, you would have a net or a seine in order to capture those fish within his own facility, just exactly like we do.

"So we don't go looking for other fish; if they happen to stray into the pond they belong to the ocean rancher but they will be identifiable in some manner, a certain portion of them which we are able to compute into how many did stray, and all that will be accounted for."

POINT OF INQUIRY

Senator Rasmussen: "I did have a question for Senator Gallagher, yes. Senator, what percentage of the fish that are at the present time in our hatcheries, what percentage are wire coded? One percent, two percent or . . ."

Senator Gallagher: "Yes, there is numbers of percentages depending upon the study; but we are right now at a five percent level on most of the major species."

Senator Rasmussen: "Only five percent are tagged?"

Senator Gallagher: "Right. We can't tag them all."

POINT OF INQUIRY

Senator Shinpoch: "Senator Vognild, my question is, under this bill, could a facility be sited on any river or stream that now has or in the future may have a fish run?"

Senator Vognild: "No."

Further debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted on a rising vote.

Senator Lysen moved adoption of the following amendment:

On page 10, line 33, after "chapter" insert "after court imposed legal requirements"

POINT OF INQUIRY

Senator Talley: "Senator Peterson, we went down and inspected those fish farms in Oregon and they said if they could get a 3% return they could make money, isn't that right?"

Senator Peterson: "That is true. I also understand, Senator Talley, that their last season as to up to date they are getting about 1%."

Further debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Lysen moved adoption of the following amendment:

On page 15, line 35, after "any" insert "volunteer public release or"

Debate ensued.

MOTION

On motion of Senator Bluechel, Senator McCaslin was excused.

The motion by Senator Lysen carried and the amendment was adopted.

Senator Lysen moved adoption of the following amendment:

On pages 2, 5, 6, 7, 11, 12, 13, strike "significant" wherever it appears.

On pages 5 and 7, strike "significantly" wherever it appears.

POINT OF INQUIRY

Senator Lysen: ". . . so the way they have handled it is by saying there shall not be a 'significant' depletion and the word 'significant' has no meaning, in fact that means there could be a rather large depletion. If you just said 'there shall not be depletion, period' then you would have a better standard. In fact, I would like to ask Senator Talmadge to yield to a question on this with his legal talent and mind he can enlighten us on the significance of the word 'significant.'"

Senator Talmadge: "Senator Lysen, I guess all the debate on the issue of whether or not you could define 'significantly' as well as you can define 'mental illness' has probably clarified the question. 'Significant' speaks for itself; it means that there has to be something in the way of an impact."

Senator Lysen: "So it has no legal standard that you are aware of that would make it meaningful in terms of trying to, we're trying, by putting that word in there, I think Senator Vognild was trying to protect depletion, minimize depletion and reinforce his concern that there be an increase, and by putting in the word 'significant,' I think actually the opposite occurs because it means there can be an increase."

Senator Talmadge: "There's no special legal significance to it; it's straight, simple English language."

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

There being no objection, the amendment by Senator Lysen to pages 5 and 7 on the desk of the Secretary of the Senate was withdrawn.

Senator Gallagher moved adoption of the following amendment by Senators Gallagher and Vognild:

On page 13, line 33, strike ". . . ." and insert "\$500.00"

POINT OF INQUIRY

Senator Rasmussen: "Senator Gallagher, is it your intention that this \$500 permit fee apply to all of those private and nonprofit organizations that would want to raise salmon?"

Senator Gallagher: "That want to release and recapture, yes."

Senator Rasmussen: "This would also apply to your local high school over there in the Gig Harbor vicinity that does want to raise salmon, recapture and release?"

Senator Gallagher: "It would apply to them, too, if they want to own those fish when they return to facility. But they could sell that product when they return to the facility at the high school, which would give them money to further their program."

Senator Rasmussen: "You don't see any hindrance to these organizations that, first place, raising the \$500, and the second place, why would you want to keep them out of the field by this high permit fee?"

Senator Gallagher: "The reason being that I got from the agency was that if we had too small a fee everyone in the whole state would start applying for these permits which is occurring at the moment; we are getting quite a few applications for ocean ranching."

Senator Rasmussen: "Well, I guess my next question would be, Senator Gallagher, what kind of reasoning that is where you would charge a little school group \$500, the same amount as a corporation such as Puget Power, Weyerhaeuser, or Simpson that would go into release and recapture on a large scale; it doesn't seem to be any fairness to it at all and that is what is bothering me."

Senator Gallagher: "If they remain public, they are fine, but the fish coming back there would still remain the property of the people of the state of Washington, not the facility."

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Gallagher, I may have misinterpreted your remarks, but we have a number of wildcat steelhead clubs, statewide, that are putting in rearing boxes and this type of thing, and when you speak of release and recapture, they are not, nor have they ever to my knowledge, put in a weir or a trap to get these fish back. My question is this, is it the intent of this legislation that this would preclude them from going ahead with their little rearing program such as Senator Rasmussen alluded to from doing that on a voluntary, self-sustaining basis in cooperation with game and fisheries?"

Senator Gallagher: "They would not be precluded from operating the way they presently operate at all."

Senator Peterson: "And they would not be charged the \$500 license fee?"

Senator Gallagher: "No, they would not."

Senator Peterson: "And they could proceed in, with the cooperation of game or fisheries on the level that they are now doing without paying this fee?"

Senator Gallagher: "That is correct."

Senator Peterson: "I wanted that in the record."

Senator Lysen moved adoption of the following amendment to the amendment by Senators Gallagher and Vognild:

On line 2 of the Gallagher, Vognild amendment, strike "\$500.00" and insert "\$10.00"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking against the amendment, in following up on the Peterson-Gallagher exchange, if the Senate will look at page 4, line 32, it's absolutely clear that the Boy Scouts, and the high school groups are not included in this bill at all; and it's a 'red herring' you might say, to try to inject that argument into the discussion of the bill. Those people do not build recapture units and therefore they are not, would not be required to have any license, not even the ten dollars. So the \$500 fee is the fees that will make this a non-general fund-dependent expenditure, and it ought to be left at the \$500 or raised, rather than lowered."

REMARKS BY SENATOR LYSEN

Senator Lysen: "Yes, let me just respond to that for a minute. The reason we put the three hundred thousand in two years ago for the volunteer programs, was to, Representative Jovanovich in my district, of course, . . . before that I put in \$10,000, about five or six years ago, and the department never even used it, period; it just disappeared on us, we didn't find anything on that \$10,000."

"But this should not be a program that we raise money from; it should be something that we are willing to contribute as government, to people that want to show self-initiative, self-starter; it shouldn't be a program that has to be on their burden."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I won't want to beleaguer this but we are talking about, totally, two different subjects. Your amendment to the \$500 fee is what the ocean rancher will pay, you are reducing his fee. You are not affecting the Boy Scouts or anybody else. If your amendment were to provide an additional fee for those who do it on a voluntary basis and who do not recapture, that would be a different subject matter. On page 4, beginning on line 32, it defines who will pay this fee."

Debate ensued.

There being no objection, on motion of Senator Lysen the amendment by Senator Lysen to the amendment by Senators Gallagher and Vognild was withdrawn.

POINT OF INQUIRY

Senator Shinpoch: "Senator Gallagher, I am not sure, with all the conversation that has gone back and forth, that I understand how this thing works, but one of the things that you said brought a question to my mind, and the question is, the groups that now have the box hatcheries and those kinds of things, if they pay their \$500, can they have their fishtraps?"

Senator Gallagher: "If the department approves the permit, which I doubt seriously if they would qualify under all the different restrictions and the money that would require them to install it, would be totally prohibitive."

Senator Shinpoch: "Well, I guess I don't mind the bill being written for Weyerhaeuser, if that is who it is written for, but it does bother me that number one, we are going to have fishtraps; and number two if the department approves that, we would wind up with a fishtrap in every stream. And that really bothers me. So I guess that is just one more of the things that bothers me about the total bill."

POINT OF INQUIRY

Senator Williams: "Senator Vognild, the question that seems to be perplexing a number of us, is in relation to the permit and those who have to pay the fee. Who is required to get a permit and pay the fee, and who is not?"

Senator Vognild: "The fee would be charged against any operator who raises, releases and recaptures salmon for commercial disposition. They would have to be a commercial use of the salmon that is recaptured."

Senator Williams: "And the language in the bill explicitly states that?"

Senator Vognild: "The staff analyst who did the work for us assured me that it does."

Further debate ensued.

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you Mr. President and members of the Senate.

"I have your answer. There are no private operations of any kind in the state of Washington right now, exclusive of some of the Indians. All these things you are talking about are operated under the umbrella of the state hatchery system. They use state eggs, they operate totally under the umbrella of the state hatchery system, so there is no way they could be included under this bill; and I hope that answers that question."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "That, Senator, is not an adequate explanation. It may be true what you have said, that there are none at the present time or they are not operating; what we are trying to do, it is my understanding under this bill, is to increase the number of voluntary groups and that is what the aim of it was. And if you are going to retard that increase of voluntary groups working because you are going to require \$500 permit, that is very restrictive."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Well, Senator Rasmussen, what I am trying to say is, that a voluntary group that wishes to operate a hatchery can do so now under the umbrella

of the state system; and nothing would change, and that also remains the number one priority of this bill."

MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 3385, as amended by Senator Lysen on page 15, line 35, together with the pending amendment by Senators Gallagher and Vognild, was ordered held at the beginning of the second reading calendar for March 24, 1981.

At 12:37 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Monday, March 23, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 23, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Sellar and Zimmerman. On motion of Senator Bluechel, Senators Sellar and Zimmerman were excused.

The Color Guard, consisting of Pages Beth Schmunk and Todd Smith, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 18, 1981.

SENATE BILL NO. 3105, establishing a natural heritage program (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3105 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3118, permitting any port district to appoint police officers (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3118 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, McCaslin, Talley.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3180, revising procedures for examination of certain health care providers by the insurance commissioner (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 3180 be referred to Committee on Financial Institutions and Insurance.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Goltz, Guess, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Talley.

Referred to Committee on Financial Institutions and Insurance.

March 17, 1981.

SENATE BILL NO. 3246, providing for joint custody (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3246 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Pullen, Shinpoch, Woody.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3252, requiring approval and use of child safety restraints in vehicles (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3252 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Woody.

MOTION

Senator Charnley moved the rules be suspended and Senate Bill No. 3252 be advanced to second reading and placed on the second reading calendar for today.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Charnley that the rules be suspended and Senate Bill No. 3252 be advanced to second reading and placed on the second reading calendar for today.

ROLL CALL

The Secretary called the roll and the motion by Senator Charnley failed by the following vote: Yeas, 22; nays, 21; absent or not voting 4; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Quigg, Scott, von Reichbauer—21.

Absent or not voting: Senators Deccio, Haley, Patterson, Rasmussen—4.

Excused: Senators Sellar, Zimmerman—2.

SENATE BILL NO. 3252 was referred to the Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES

March 16, 1981.

SENATE BILL NO. 3290, modifying the teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3290 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Fleming, Gaspard, Haley, Hayner, Hughes, Lee, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3357, increasing vehicle license fees to fund state patrol highway activities (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3357 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Conner, Gallagher, Kiskaddon, Metcalf, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Lysen.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3389, authorizing youth services corps funds to be used to match federal funds and changing age requirement for youth service corps enrollees (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3390, expanding the scope of business improvement areas (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3390 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3464, directing the Department of Agriculture to study natural based pesticides (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3464 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3466, providing for the reimbursement of the resource management cost account (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 16, 1981.

SENATE BILL NO. 3496, denying industrial insurance payments to persons receiving disability allowance from employer (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 12, 1981.

SENATE BILL NO. 3530, requiring further public disclosures for state treasurer and candidates for state treasurer (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 16, 1981.

SENATE BILL NO. 3602, establishing industrial insurance benefit payment requirements for self-insurers (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3602 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Newhouse, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3616, authorizing a regional cultural arts and convention facility (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3626, providing for the future termination of the forest practices appeals board (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3737, modifying the administration of winter recreation activities (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3848, implementing the law relating to school district excess levies (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3848 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee, Scott.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3852, providing for library funding (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 3852 be referred to Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Bluechel, Bottiger, Fleming, Goltz, Guess, Hayner, Hemstad, Jones, Lee, Newhouse, Patterson, Peterson, Talley.

Referred to Committee on Ways and Means.

March 19, 1981.

SENATE BILL NO. 3867, revising air pollution control procedure (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3867 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hughes, Hurley, Quigg, Zimmerman.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3915, establishing the recreation guide revolving fund (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3919, implementing the law relating to state funding for school facilities (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3919 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Scott, Talmadge.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3958, protecting communications between assault victims and counselors (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3958 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3972, providing for study on the feasibility of completing nuclear power plants (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3972 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; Hemstad, Hurley, Williams, Wilson, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators McCaslin, Vice Chairman; Fuller, Newhouse.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4119, authorizing tax increment obligations (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 4119 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4135, implementing law relating to school district's allowable limits for excess levies for maintenance and operations support (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4137, requiring further public disclosure by the state treasurer and candidates for treasurer (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4270, appropriating funds for water supply facilities (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 4270 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4309, implementing law relating to students living in nonhigh districts and attending high schools and nonhigh districts' contributions to high school districts for capital fund aid (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4309 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Talmadge.

Passed to Committee on Rules for second reading.

March 17, 1981.

SENATE JOINT MEMORIAL NO. 104, memorializing Congress to limit the terms of federal judges and members of Congress (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 104 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators Pullen, Chairman; Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE JOINT MEMORIAL NO. 106, requesting a review of federal registration requirements for natural based pesticides (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 106 be substituted therefor, and the substitute memorial do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE JOINT RESOLUTION NO. 115, proposing Constitutional amendment allowing state and municipal corporations and public corporations acting on their behalf to issue revenue bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 115 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Scott, Chairman; Bauer, Deccio, Fleming, Haley, Lee, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 19, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 11, requiring information on bond measures to be disclosed in the voters' pamphlet (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 21, 1981.

Mr. President: The House has adopted: ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE RESOLUTION

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 17, by Representatives Wilson, Nelson (G), Mitchell, Houchen, Scott, Sprague, Grimm, Ehlers, Erickson, King (R), Clayton, Martinis, Walk, Sanders, Johnson, Lundquist, Gallagher, Eberle, Bender and Granlund:

Encouraging the location of high-technology industries in Washington state.

MOTIONS

On motion of Senator Clarke, the rules were suspended, Engrossed House Concurrent Resolution No. 17 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, Engrossed House Concurrent Resolution No. 17 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Hayner, since you were the first spokesman on the bill, it occurred to me that these are both highly technical industries, both Hewlett/Packard and the firm going into the Pierce county area and I would like to know if, because they are so highly skilled and specialized, if the local people will be hired or are they going to bring in a large bulk of the staffing from out of state that will further unsettle the total communities as far as housing and schools are concerned? Or are they going to use those that are presently here?"

Senator Hayner: "I am delighted to have the opportunity to answer that question because that question was asked in our conference. And the answer that was given to us, was that Hewlett/Packard makes every effort to hire people within the state and their average number that they will hire is 65% that will be residents of the state as of the time. They will not, they check the applications very carefully to see that the people have just not moved into the state very recently for that purpose. Now they do, obviously, bring people in for the management-level positions and so forth.

"But I think 65% of the total number of 5,500 is a considerable number, and I was very delighted to see that. They work very hard to do that."

Further debate ensued.

MOTION

Senator Rasmussen moved the rules be suspended and any Senator be added as a sponsor to Engrossed House Concurrent Resolution No. 17 that desires to do so.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Mr. President, this is Engrossed House Concurrent Resolution No. 17. Is it possible to have Senate sponsors to a House Concurrent Resolution?"

President Cherberg: "It was done last week, Senator Metcalf; whether that sets a precedent or not the President is unsure."

The motion by Senator Rasmussen carried. Any additional sponsors may be added to Engrossed House Concurrent Resolution No. 17 by advising the Secretary of the Senate.

Further debate ensued.

Senator Patterson: "Senator Guess, I am looking at the second page of the resolution and I am particularly concerned about the language which says that the state shall 'ensure state financial assistance for necessary improvements to roads identified in the impacted area . . . ' and so forth to the 'service D' level. Can you tell the body what 'service D' level is?"

Senator Guess: "No, I cannot."

Further debate ensued.

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, ladies and gentlemen and Senator Patterson:

"I did check and category 'D' is 'present level of services' and it has already been cleared with the department. It is not changing the array that the transportation commission has set up at all; there is no intention to get into their business in that way. This just relates to the present level of services."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate.

"Speaking in part to the 'D' level, we are all aware of ABC programs. Now if you will go to the urban arterial funds, you'll see a schedule within the urban arterial funds that indicates the level of service and this is in the area, as I read the resolution, that the state would assist counties in providing the collector roads to the state highway system. In the case of Fairchild-Cameron, Pierce county, it is three-tenths of a mile. And they need some assistance in the Puyallup, top of the hill, one fifty-one area, in SR 512. And this is the reference to the 'D' level as I understand it.

Debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Guess, I am not unfavorable toward the intent of all this legislation, this measure. However, I have a question; I wonder if you could reflect on it.

"Article 2, section 28 of the state Constitution, says 'The legislature is prohibited from enacting any private or special laws in the following cases: . . . ' and subsection 2 of that section is 'For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by congress.'

"It seems to me that in this particular instance, based on the circumstances, there could be a challenge on this basis. I wonder if you might comment on that?"

Senator Guess: "Senator Williams, I think it is fine that the roads and the level of service that is being asked for in this instance, does not open up the land, does not go into the private property of either the companies. The judgment will be made because of the expression that the level of service shall not drop below that of level 'D', means that the department will, when the traffic count gets above the level 'D,' then the road will be put into the priority.

"If you have a road servicing any area today, regardless of where it is serving and the number of people desiring and trying to use that road begins to climb above a certain number of cars per day, then the department will go in and do the corrective action."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, can Engrossed House Concurrent Resolution No. 17 be amended?"

REPLY BY THE PRESIDENT

President Cherberg: "It is on final passage, Senator; if you care to move to return the measure . . ."

Senator Deccio: "I really don't care to do that, Mr. President. The only thing I wanted to say was that if there is some confusion or dispute or differences as to whether the west side of the mountains wants this done, I am sure that Senator Hansen and I would be very happy to offer an amendment to move it to Grant and Yakima county."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Thank you, Mr. President. The concern I have and the question that I was hoping I could get an answer to, was that what source of funding would the state insure that level 'D' would be maintained?"

"I think all of you know that there are some substantial revenue bills in the area of gasoline tax that will be before us. I am concerned, if Senator Bottiger is right in what he says, then my assumption from your comments would be, that the money would come out of urban arterial money. Is that correct, Senator Bottiger?"

Senator Bottiger: "I checked by phone with and I'm not sure whether it was Maresca or who over at the highway department, the county classification runs from 'A' through 'F'; and the way the state has traditionally helped the counties is through the urban arterial fund. It wouldn't have to be that way but that is how we have traditionally done it."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Guess, you mentioned earlier that when the count on the highways went up to a certain level, then they would step in and act. Do you expect that to happen within this next biennium?"

Senator Guess: "No, Senator, I do not expect this to happen within this next two years. I think that the information that we have from Hewlett-Packard is that it would occur in six years. This is the same, exactly the same thing that Hewlett-Packard told us in Spokane. The traffic levels have not risen as high as they had anticipated in Spokane and that is yet put off further in Spokane; so I would say that it would be six years."

"Now we find that more people are riding busses to the Hewlett-Packard plant in Spokane and a number of private automobiles did not develop, so we would hope that they would use the van pool and the busses."

MOTION

Senator Wilson moved that Engrossed House Concurrent Resolution No. 17 be held at the beginning of the third reading calendar for March 24, 1981.

POINT OF ORDER

Senator Kiskaddon: "Mr. President, my understanding was that the resolution was on third reading now. Is it in order to have a motion to go to second reading calendar for tomorrow?"

RULING BY THE PRESIDENT

President Cherberg: "The President interpreted Senator Wilson's motion to mean that it would be at the top of the calendar for first consideration tomorrow, on third reading and final passage."

The motion by Senator Wilson failed. Engrossed House Concurrent Resolution No. 17 is on third reading and final passage.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 17.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 17 and the resolution passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Moore, Newhouse, Peterson, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody—40.

Voting nay: Senators McDermott, Metcalf, Patterson, Pullen, Shinpoch, Williams, Wilson—7.

Excused: Senators Sellar, Zimmerman—2.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 17 having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Clarke, all members who voted affirmatively on Engrossed House Concurrent Resolution No. 17 were permitted as additional sponsors to the resolution.

MOTIONS

On motion of Senator Clarke, the following Senate Bills were transferred from the Consent Calendar to the regular Second Reading Calendar and placed at the end of that calendar in the following order: 4199, 3375, 3893, 4022, 3025, 3026, 3030, 3031, 3408, 3555, 3630.

On motion of Senator Clarke, the Senate commenced consideration of the Consent Calendar.

On motion of Senator Clarke, the Senate commenced consideration of Senate Joint Resolution No. 133.

SECOND READING

SENATE JOINT RESOLUTION NO. 133, by Senators Pullen, Woody and Gould:

Amending the constitution to clarify signature requirements and filing dates for initiatives to the legislature.

On motion of Senator Pullen, Substitute Senate Joint Resolution No. 133 was substituted for Senate Joint Resolution No. 133 and the substitute resolution was placed on second reading and read the second time in full.

MOTIONS

On motion of Senator Jones, Senator Hayner was excused.

On motion of Senator Pullen, the following amendment by Senators Pullen, Woody and Clarke was adopted:

On page 3, line 20, after "(c)" strike all material down to and including "thereon." on line 35, and insert "No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: PROVIDED, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-third of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 133 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Senator Pullen, this bill has a provision which speaks to 'provisional certification' of initiative measures, and my question then is, if a measure is subsequently not certified, would consideration of that measure have precedence over all other legislative matters, except appropriations bills?"

Senator Pullen: "No, not at all."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 133, and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Hayner, Sellar, Zimmerman—3.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 133, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3898, by Senators Rasmussen and Jones (by Utilities and Transportation Commission request):

Changing the name of the utilities and transportation commission to the public service commission.

REPORT OF STANDING COMMISSION

March 10, 1981.

SENATE BILL NO. 3898, changing the name of the utilities and transportation commission to the public service commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 77, beginning on line 28, strike all material down through line 19 on page 80 and insert:

"Sec. 79. Section 81.04.010, chapter 14, Laws of 1961 as amended by section 2, chapter 13, Laws of 1981 and RCW 81.04.010 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the (~~(utilities and transportation)~~) public service commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers,

appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. 80. Section 81.08.010, chapter 14, Laws of 1961 as last amended by section 3, chapter 13, Laws of 1981 and RCW 81.08.010 are each amended to read as follows:

The term "public service company", as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the (~~utilities and transportation~~) public service commission under the provisions of this title: PROVIDED, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission: PROVIDED FURTHER, That it shall not include any "motor carrier" as that term is defined in RCW 81.80.010 or any "garbage and refuse collection company" subject to the provisions of chapter 81.77 RCW."

On page 81, beginning on line 14, strike all material down through line 32 and insert:

"Sec. 82. Section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 13, Laws of 1981 and RCW 81.12.010 are each amended to read as follows:

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the (~~utilities and transportation~~) public service commission under the provisions of this title: PROVIDED, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: PROVIDED FURTHER, That it shall not include motor freight carriers subject to the provisions of chapter 81.80 RCW or garbage and refuse collection companies subject to the provisions of chapter 81.77 RCW: PROVIDED FURTHER, That nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270."

On page 4, beginning on line 31 of the title, after "80.54.070;" strike all material down through "81.12.010;" on line 3 on page 5 and insert "amending section 81.04.010, chapter 14, Laws of 1961 as amended by section 2, chapter 13, Laws of 1981 and RCW 81.04.010; amending section 81.08.010, chapter 14, Laws of 1961 as last amended by section 3, chapter 13, Laws of 1981 and RCW 81.08.010; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08.105; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 13, Laws of 1981 and RCW 81.12.010;"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Rasmussen, Sellar.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendments were adopted.

On motion of Senator Metcalf, the committee amendment to the title was adopted.

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 3898 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Metcalf, I understand this bill is intended to clear up confusion about the role of the utilities and transportation commission by changing the name; is that right?"

Senator Metcalf: "Well, not the role of it but just the confusion between the transportation commission and the utilities and transportation commission; so this will now be called the 'public service commission.'"

Senator Quigg: "Were any names other than the 'public service commission' considered?"

Senator Metcalf: "I am sure that many were considered. This is the name that they came up with and requested."

Senator Quigg: "Well, did they consider calling it the 'price fixing commission?'"

Senator Metcalf: "I am not sure that they considered that; do you have an amendment?"

Senator Quigg: "No, I didn't think they did. Thank you, Senator?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, you never know whether those questions make an impression on anybody. In every other state in the union, it is called the 'public service commission.' We are one of the last holdouts with the old name. I believe it is every other state."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3898, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Hughes, Lysen, McDermott, Quigg, Talmadge, Vognild—6.

Excused: Senators Hayner, Sellar, Zimmerman—3.

ENGROSSED SENATE BILL NO. 3898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3903, by Senator Newhouse:

Excluding weekends and holidays from definition of "banking day".

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

On page 2, after line 33, insert:

"**NEW SECTION.** Sec. 2. Nothing in this 1981 amendatory act shall be construed to preclude any bank from being open to the public for carrying on its banking functions on Saturdays."

On motion of Senator Goltz, the following amendment to the amendment by Senator Bottiger was adopted:

Amend the Bottiger amendment as follows:

On the last line of the amendment after "Saturdays" insert "or Sundays"

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 3903 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3903, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Hayner, Sellar, Zimmerman—3.

ENGROSSED SENATE BILL NO. 3903, 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 Bluechel, Senator Gallagher was excused.

SECOND READING

SENATE BILL NO. 4327, by Senator Deccio:

Authorizing the department of social and health services to establish fee schedules for certain services.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 4327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4327, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Hayner, Sellar, Zimmerman—3.

SENATE BILL NO. 4327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3255, by Senators Pullen, Rasmussen, Hurley, Benitz and Vognild:

Clarifying the law regulating carrying concealed weapons.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Pullen, I have gone on record many times as not favoring gun control, however, I think there ought to be some limitations. I have the same concern Senator Hemstad has.

"Would it not be the case that a gun could be left in a car where the mother goes in for a quick trip into the super market, leaves the children in the car. Is there that possibility that that gun could then be manipulated by those children in the car?"

Senator Pullen: "Senator Deccio, if you are asking whether loaded guns are dangerous, the answer to your question is 'yes.' And if anyone is going to have a loaded gun around the house or around the car or on his person, that is a great responsibility. And there will always be tragic accidents as long as we have guns. And right now this bill will not change one thing in that regard because everyone I know, and I know a few people who do have concealed weapons permits for whatever reason; and every single person I know who has a concealed weapons permit and who drives a car, keeps the pistol in the car.

"They are ignoring the law now; they are lawbreakers now and they are going to continue to be lawbreakers unless this particular measure passes. And yet I assume that they, in some cases, statistically, if you have enough guns around and if enough people are irresponsible, yes, someone is going to leave a gun around and someone is going to get involved in a tragic accident.

"But whether this bill passes or whether it does not pass, will change nothing in that regard."

Senator Deccio: "Well, isn't it true that we rarely ever pass bills to deal with the lawbreaker, it is always the law-abiding citizen, and that is who we are affecting in this bill. The lawbreaker is going to break the law regardless of what is on the books. . . ."

Senator Pullen: "Unless this bill passes, we are making lawbreakers out of many fine citizens in the state. There are fifty-seven thousand concealed weapons permits outstanding in the state and I assume most of those people have firearms and I don't know a single one of them who, when he gets out of the car, puts the pistol in his belt and goes walking around with the pistol stuck out of his belt."

Senator Deccio: "Well, I guess my consideration here is a value judgment as to whether we need to be more concerned about the children in that car or anyone else for that matter, as opposed to making it convenient for somebody to have the ability to carry a concealed weapon, or have a concealed weapon whether he has a permit for it or not.

"It seems a little odd that a few weeks ago we were debating a bill regarding the safety of children and were going to require special seats in automobiles for those children to ride in and now we're debating something that could be much more dangerous than that situation and for that reason, Mr. President, I am going to vote against this bill."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, in the course of the deliberations of the committee, did anybody from the Washington Association of Sheriffs and Police Chiefs have an opportunity to testify on the question of whether or not they felt this might make more difficult or, make more terrible in any way, the problem of the law enforcement officer approaching the vehicle and someone having a concealed, loaded weapon under the seat or in the glove compartment when they attempted to get a license or something like that?"

Senator Pullen: "There were representatives of law enforcement groups in the room at the time we heard the bill; none of them testified either for or against the bill. In fact, there was no testimony of any kind against the bill during the hearing.

"I would just point out, I have talked to law enforcement officers personally, and what you say is correct, they do worry about sudden reaching into certain areas but under the current law and under the current court decision, a person could have the pistol inside a coat pocket, and I can guarantee you from talks I have had with law enforcement officers, they are a lot more nervous when a person reaches into their coat pockets than they are when they reach in the glove compartment."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3255, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Guess, Haley, Hansen, Hughes, Hurley, Jones, Lee, Metcalf, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Woody—28.

Voting nay: Senators Bluechel, Charnley, Deccio, Fleming, Goltz, Gould, Hemstad, Kiskaddon, Lysen, McCaslin, McDermott, Moore, Patterson, Ridder, Talmadge, Williams, Wojahn—17.

Excused: Senators Gallagher, Hayner, Sellar, Zimmerman—4.

SENATE BILL NO. 3255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3334, by Senators Gaspard and Bauer (by Superintendent of Public Instruction request):

Implementing law relating to reimbursement of school districts when unforeseen events occur.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3334, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gallagher, Hayner, Sellar, Zimmerman—4.

SENATE BILL NO. 3334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3383, by Senators Deccio, Clarke and Shinpoch (by Insurance Commissioner request):

Revising licensing laws regulating insurance industry.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3383, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gallagher, Hayner, Sellar, Zimmerman—4.

SENATE BILL NO. 3383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3730, by Senators Charnley and Guess:

Requiring investment of certain municipal moneys.

The bill was read the second time by sections.

On motion of Senator Charnley, the rules were suspended, Senate Bill No. 3730 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3730, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gallagher, Hayner, Sellar, Zimmerman—4.

SENATE BILL NO. 3730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3953, by Senators Williams, Hemstad, Kiskaddon, Hayner and Charnley:

Permitting rape to be charged by one spouse against another after a marriage dissolution action has been filed.

REPORT OF STANDING COMMITTEE

March 10, 1981.

SENATE BILL NO. 3953, permitting rape to be charged by one spouse against another after a marriage dissolution action has been filed (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18 after "who" strike all material down to and including "dissolved" on line 20 and insert "is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Shinpoch to the committee amendment was adopted:

On line 3 of the Senate Judiciary Committee amendment after "her spouse" strike "and" and insert "or"

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3953 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3953, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Gallagher, Hayner, Sellar, Zimmerman—4.

ENGROSSED SENATE BILL NO. 3953, 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.

MOTIONS

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

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981—31.

Senator Kiskaddon moved adoption of the following resolution:

SENATE RESOLUTION 1981—31

By Senators Kiskaddon, Gould, Metcalf, Jones, Hayner, Hemstad, Quigg:

WHEREAS, A 1978 Supreme Court decision required the state to define and fund basic education; and

WHEREAS, The court decision changed the relationship between the state and local school districts; and

WHEREAS, it is essential for the maintenance of quality education programs that a positive relationship exist between teachers, students, administrators, parents, and citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Education Committee study and reevaluate educational programs with the goal of maximizing local control in the light of the court decision and Initiative 62; and

BE IT FURTHER RESOLVED, That the study specifically focus on finding ways to build more cooperation among groups in the educational system.

MOTION

On motion of Senator Goltz, Senate Resolution 1981—31 was referred to the Committee on Rules in accordance with previous study resolutions being referred to that committee.

MOTIONS

On motion of Senator Jones, all members were permitted as additional sponsors on Senate Resolution 1981—22.

On motion of Senator Bottiger, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—22

By Senators Bottiger, Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate.

WHEREAS, More than 30,000 roaring fight fans were at Seattle's Civic Stadium on that night of July 26, 1938, to see the world middleweight boxing championship "Battle of the Century" between Tacoma's Freddie Steele, the champion, and the pride of Seattle's Georgetown, Al Hostak; and

WHEREAS, Hostak was victorious that night and Washington State will could claim one of its sons as the middleweight champion of the world; and

WHEREAS, Forty years later, Freddie Steele and Al Hostak were introduced from a ring again and the old opponents were given a standing ovation; and

WHEREAS, Now a greatly beloved businessman and restaurateur in Westport, Freddie Steele has come through with a decision in a tough battle against illness and is recuperating at a convalescent center in Puyallup; and

WHEREAS, This body previously had had the occasion to honor Freddie Steele for his contributions to boxing and to good sportsmanship and for his achievements as an honored citizen of our state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that our best wishes for a successful and speedy recovery from his illness be extended to former middleweight champion of the world, Freddie Steels; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to forward a copy of this resolution to our friend, Freddie Steele.

STATEMENT FOR THE JOURNAL

March 26, 1981.

TO: Secretary of the Senate
 FROM: Senator Hal Zimmerman
 RE: Statement for the Journal

1. Because Governor John Spellman invited me to accompany him to Longview, Kelso, Castle Rock, Vancouver and the Columbia River Gorge on Monday, March 23, I missed the session and votes on measures before the Senate that day. Republican caucus leadership had arranged to hear a "consent" calendar so that there would not be any major issues decided that day. The trip to Southwest Washington was very productive.
2. I missed the early part of the session on Tuesday, March 25 because of an emergency meeting on one of the agencies in the proposed Senate Ways and Means budget.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Woody moved the Senate do now reconsider the vote by which Engrossed Senate Bill No. 3372 passed the Senate on March 17, 1981.

MOTION

On motion of Senator Newhouse, the motion for reconsideration by Senator Woody was ordered held to March 24, 1981.

MOTION

At 12:45 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, March 24, 1981.

JOHN A. CHERBERG, President of the Senate.
 SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 24, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:48 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senator Hughes. On motion of Senator Ridder, Senator Hughes was excused.

The Color Guard, consisting of Pages Scott Woodruff and Daryl King, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 23, 1981.

SENATE BILL NO. 3055, exempting certain intra-family transfers from the real estate excise tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Haley, Lee, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3308, limiting the amount of areas zoned residential which may exclude mobile homes (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 3308 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3360, providing for park and recreation service areas (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3360 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg, Zimmerman.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3369, establishing the state geographic information service center (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3369 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Referred to Committee on Ways and Means.

March 20, 1981.

SENATE BILL NO. 3501, requiring legislative approval before operating agency can qualify as such prerequisite to construction of a thermal power plant with capacity in excess of 750 megawatts (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3527, regulating the harvesting and transportation of firewood (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3527 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3578, modifying provisions relating to state aquatic lands (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill NO. 3578 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 18, 1981.

SENATE BILL NO. 3834, revising laws regulating agents of title insurers (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3925, revising laws relating to interest paid on certain accounts of financial institutions (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Lysen, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3928, revising laws relating to industrial loan companies (reported by Committee on Financial Institutions and Insurance)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3946, modifying the aircraft fuel excise tax (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Gallagher, Guess, Hansen, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3977, modifying provisions relating to commercial salmon fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3977 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4113, undating references (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for Second Reading.

March 20, 1981.

SENATE BILL NO. 4201, regulating the valuation of insurance and nonforfeiture of life insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 4204, regulating insurance rates (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE JOINT RESOLUTION NO. 111, authorizing loans for energy conservation and renewable energy resources (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 111 be substituted therefor, and the substitute resolution do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Quigg, Williams, Wilson.

MINORITY recommendation: Do not pass.

Signed by: Senators Hurley, Newhouse.

Passed to Committee on Rules for second reading.

March 20, 1981.

HOUSE BILL NO. 181, authorizing agreements between irrigation districts (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for Second Reading.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Substitute Senate Bill No. 3385.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3385, by Committee on Natural Resources (originally sponsored by Senators Vognild, Gallagher, Patterson and Haley):

Authorizing private salmon release-recapture facilities.

The Senate resumed consideration of Substitute Senate Bill No. 3385. On March 20, 1981, an amendment by Senator Lysen was adopted to page 15, line 35. Senator Gallagher had moved adoption of the following amendment on that date:

On page 13, line 33, strike ". . . ." and insert "\$500.00"

The motion by Senator Gallagher carried and the amendment was adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 1, beginning on line 12, strike all of section 1.

Re-number remaining sections.

POINT OF ORDER

Senator Newhouse: "Mr. President, we have perfected the bill up to page 13 and now we are going back to page 1. I suggest that rule 69 says that we shall handle these amendments section-by-section."

RULING BY THE PRESIDENT

President Cherberg: "Senator Newhouse and members of the Senate. Your Point of Order would be well taken if the Senate had considered the bill section-by-section. However, when the last line of a bill is read, it opens up the entire bill for amendment, Senator Newhouse."

The amendment was ruled to be in order.

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Rasmussen, the intent section applies to the language that says 'It is the intent of the legislature that the department of fisheries do everything within its legal authority to assist and promote operations of private salmon release-recapture facilities in the acquisition of salmon eggs.'"

"Now does that conflict with the amendment we just passed? That Senator Vognild just passed? By passing your amendment we put it in the context of agreement with his amendments?"

Senator Rasmussen: "I think the amendment adopted took the \$500 license fee off of the small co-ops and the schools and the various small groups that we were talking about. And what this amendment would do is to take the intent section off that we have to supply these people, these various firms and corporations, with eggs, even to the detriment of our own hatcheries. And that is what I don't want to see."

"We have one of the best hatchery systems in the United States and I think that it can be improved. I would further state that the fisheries department can, at this time, do all of these things that are authorized in the bill, as Senator Vognild has indicated. To have that power we researched this, had attorney general's opinions on it, a number of years ago, so that they do have all these powers we grant in here. But to come out and tell the legislature, say it is our intent that they provide these eggs for private business, is like telling some other firm that we have to supply all things necessary to make them economically viable and we not do that."

Senator Lysen: "Thank you, Senator Rasmussen. I guess I would have to then ask Senator Vognild, as I understand what you told me was this amendment that you just added, put the volunteer programs on a priority over the commercial ocean ranchers. And I would assume that they would include the state hatcheries that are currently operated. Is that not correct?"

Senator Vognild: "Yes, that is correct. We have had conflicting testimony; we can get more conflicting testimony about the supply of eggs."

"Going to the actual operators of the hatcheries, you will get testimony that says that they are burying eggs; and what we are trying to do with this, is to say that they will provide eggs to the ocean ranchers after they have taken care of their first priority, which is the state system and the volunteer systems that we reinforced here."

The motion by Senator Rasmussen failed and the amendment was not adopted on a rising vote.

Senator McDermott moved adoption of the following amendment:

On page 2, line 20, after "industry." strike all the matter down through "state." on line 25.

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

On motion of Senator Gallagher, the following amendment by Senators Gallagher and Vognild was adopted:

On page 14, line 22 after "cases." insert,

"NEW SECTION. Sec. 12. Sections 1 through 11 of this 1981 act shall not apply to any volunteer, non-profit, cooperative enhancement program that is part of the State's enhancement program where no compensation is given by the Department of Fisheries to volunteer participants in the program and where the fertilized salmon eggs and other necessary materials are furnished by the Department at no costs to the volunteers."

Re-number the remaining sections accordingly.

Senator Lysen moved adoption of the following amendment by Senators Lysen and McDermott:

On page 13, line 33, after "of" strike ". . . Dollars." and insert "Ten Dollars. In the event the applicant intends to engage in a commercial operation, as defined in RCW 75.04.080, an additional application fee shall be paid as follows:

\$500 per million released Chinook salmon;
 \$300 per million released Chum salmon;
 \$400 per million released Coho salmon;
 \$200 per million released Pink salmon;
 \$500 per million released Sockeye salmon."

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Shinpoch moved adoption of the following amendment:

On page 9, lines 13 through 17, strike subsection (3).

Re-number accordingly.

POINT OF ORDER

Senator Vognild: "Mr. President, this amendment was considered Friday; it was submitted by Senator Lysen at that time and it was voted down at that time."

President Cherberg: "Senator Vognild, it will be necessary to check the records. Senator Shinpoch."

Senator Shinpoch: "Mr. President, I would submit that there has been a volume of information that has been made available to us in the question and answer period and the debate of this; the people simply didn't know that at the time that we previously considered this amendment."

Senator Clarke: Mr. President, if what Senator Shinpoch has said is correct, the proper motion would be for somebody to vote for reconsideration that voted on the prevailing side. My own recollection is that the identical amendment was submitted and defeated which . . ."

RULING BY THE PRESIDENT

President Cherberg: "The Point of Order as presented by Senator Vognild is well taken, inasmuch as Senator Lysen did submit a similar amendment which was not adopted."

The amendment by Senator Shinpoch was ruled out of order.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woody moved the Senate reconsider the vote by which the following amendment by Senator Lysen failed on March 20, 1981:

On page 9, line 13, strike subsection (3). Renumber remaining subsections accordingly.

PARLIAMENTARY INQUIRY

Senator Jones: "Is reconsideration appropriate? There has been intervening business?"

REPLY BY THE PRESIDENT

President Cherberg: "Reconsideration is appropriate, Senator Jones, inasmuch as the rule does say that an amendment may be considered immediately; however, the measure is before the Senate on second reading and thus is open, opens up the opportunity to reconsider the vote by which the amendment was lost."

Senator Conner demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the motion for reconsideration by Senator Woody on the amendment by Senator Lysen to page 9, line 13 which failed on a rising vote on March 20, 1981.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 12; nays, 35; absent or not voting, 1; excused, 1.

Voting yea: Senators Conner, Gaspard, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wojahn, Woody—12.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson,

Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Zimmerman—35.

Absent or not voting: Senator Deccio—1.

Excused: Senator Hughes—1.

On motion of Senator Gallagher, the rules were suspended, Engrossed Substitute Senate Bill No. 3385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talley: "Senator Gallagher, the Columbia River and the streams draining into the Columbia river, are exempted from this bill?"

Senator Gallagher: "That is correct."

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Vognild, you made the point that they will only give one permit per person or per company. Now what is to prevent a company from having a number of subsidiaries and each subsidiary having a permit, and each permit can release a maximum, for \$500 fee, of eighty million fish, of which, if they had only a one percent return, they would get back eight hundred thousand fish. So at \$6.00 a pound, that is pretty good economics, I would say."

Senator Vognild: "That is what it is, in some cases."

Senator Lysen: "But I am concerned, the fact, the one permit per person per company, or per company, is that going to be effective in limiting because you form subsidiaries. At the risk of being impolite, maybe, we don't even know what subsidiary built the computers on our ferries, you know; so how are we going to know, what are we limiting this thing or not? Is this going to be an effective limit? It would appear to me that it is not."

Senator Vognild: "I could answer that in two ways. It is certainly my intent for the record, that subsidiaries cannot be formed for the purpose of obtaining a permit. I think also, in response to your question and other statements, section sub (5) of section 5 says: 'In making a decision on whether to grant or deny a permit, the director shall consider (a) information developed by the department under sub 3, 1 (a) (b), (c), etc.

"And I believe that that is sufficient latitude right there for the director to deny a permit to a subsidiary by merely establishing that the board of directors or the majority of the stock, if you will, in a subsidiary, is owned by another corporation which already holds a permit."

Senator Lysen: "Thank you. That does alleviate my concern somewhat; however, the statements that were made earlier, I think, really focus in on this. This is a major transfer of a public resource, potentially a major transfer of, what has been a public resource into the private sector through the fishtrap method and the granting of permits to release a maximum of eighty million fish per permit.

"I think this is a real serious question of public policy which we should not pass at this time, especially when the director of the department himself is opposed to this; has a memo on each of our desks indicating why he is opposed to it and the fact that we put in another user group in the salmon resource at a time when we are having to endure the Boldt decision only adds to the problem. Senator Magnuson passed Federal laws to try to alleviate the problem and there is monies available to improve the whole system which are unprecedented in past years so we are coming into some major changes and the director has asked us for a delay in this matter until he has had a time to see how this private ocean ranching could be fitted in, in the least disruptive manner.

"And so at the request of our own director, I would urge that we not pass this bill at this time."

Further debate ensued.

POINT OF INQUIRY

Senator Charnley: "Senator Vognild, a statement has been made that we are putting fishtraps back in the streams and rivers of this state. Now I understand the problems that have been in the past.

"Would you please once again state for myself and the body, are we putting fishtraps in the streams where none exist now?"

Senator Vognild: "No, Senator Charnley, we are not. Section 6, sub (3) states that these traps may be built 'at the facility that were initially,' for capturing the salmon, 'that were initially released from the facility.' The specific wording is 'at the facility.'"

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3385, and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Ridder, Scott, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—31.

Voting nay: Senators Bauer, Conner, Fuller, Gaspard, Goltz, Lysen, McDermott, Moore, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talley, Talmadge, Williams, Wojahn—1.

Excused: Senator Hughes—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3385, 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.

INTRODUCTION OF GUESTS

The President introduced Mr. Bill Hicks and Mr. Limy Flynn, former members of the third house, who were seated on the rostrum.

SECOND READING

SENATE BILL NO. 3206, by Senators Rasmussen and Jones:
Implementing the law relating to control of intoxicating liquor.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3206 was substituted for Senate Bill No. 3206 and the substitute bill was placed on second reading and read the second time in full.

Senator Quigg moved adoption of the following amendment:

On page 13, after line 19, insert:

"(f) On or before the 31st of January of each year, the Board shall publish and make available to the public a list of licensees and their assigned renewal dates. Notwithstanding anything to the contrary in RCW 42.17.260, the board may charge a reasonable amount for providing said list."

Debate ensued.

The motion by Senator Quigg failed and the amendment was not adopted.

On motion of Senator Rasmussen, the following amendment by Senators Jones and Rasmussen was adopted:

On page 15, after line 25, insert the following:

"Sec. 9. Section 10, chapter 21, Laws of 1969 ex. sess. as amended by section 13, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.206 are each amended to read as follows:

"No wine wholesaler nor wine importer shall purchase any wine not manufactured within the state of Washington by a winery holding a license as a manufacturer of wine from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the winery or manufacturer of such wine, or the licensed importer of wine produced outside the United States, has obtained from the Washington state liquor control board a certificate of approval as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such winery, manufacturer, or licensed importer of wine produced outside the United States, shall have made a written agreement with the board to furnish to the board, on or before the ~~((tenth))~~ twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of wine sold or delivered to each licensed wine importer, or imported by the licensed importer of wine produced outside the United States, during the preceding month, and shall further have agreed with the board, that such wineries, manufacturers, or licensed importers of wine produced outside the United States, and all general sales corporations or agencies maintained by them, and all general sales corporations or agencies maintained by them, and all of their trade representatives and agents, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such winery, manufacturer, or licensed importer of wine produced outside the United States, shall, after obtaining such certificate, fail to submit such report, or if such winery, manufacturer, or licensed importer of wine produced outside the United States, or general sales corporations or agencies maintained by them, or their trade representatives or agents, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate: PROVIDED, HOWEVER, That such certificates of approval shall ~~((be issued))~~ only authorize the holder thereof to ship or import into the state of Washington ~~((for))~~ specifically named designated and identified types of wine which conform to the provisions of RCW 66.28.110 and for which the liquor control board has issued a certificate of label approval. The Washington state liquor control board shall not certify wines labeled with names which may be confused with other nonalcoholic beverages, whether manufactured or produced from a domestic winery or imported, not wines which fail to meet quality standards established by the board.

The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate."

On page 15, line 26, renumber Sec. 9 to Sec. 10. On page 16, after line 27, insert the following:

"Sec. 11. Section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 14, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.270 are each amended to read as follows:

"(1) Every person, firm or corporation, holding a license to manufacture malt liquors within the state of Washington, shall, on or before the ~~((tenth))~~ twentieth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington, shall, on or before the ~~((tenth))~~ twentieth day of each month,

furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall have made a written agreement with the board to furnish to the board, on or before the ((~~tenth~~)) twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate."

Renumber the remaining sections consecutively.

Senator Haley moved adoption of the following amendment by Senators Haley, Woody and Scott:

On page 26, after line 1, insert:

"(1) Section 11, chapter 62, Laws of 1933 ex. sess. and RCW 66.16.080;"

Renumber remaining subsections accordingly.

Debate ensued.

POINT OF ORDER

Senator Metcalf: "I raise the question of scope and object on this amendment. I think it goes beyond the scope and object of the bill."

MOTION

On motion of Senator Jones, Substitute Senate Bill No. 3206, as amended, together with the pending amendment by Senators Haley, Woody and Scott and the Point of Order raised by Senator Metcalf, was ordered held for a Ruling by the President at a later time.

MOTION

On motion of Senator Clarke, Senate Bill No. 3600 was ordered held for March 25, 1981.

SECOND READING

SENATE BILL NO. 3183, by Senators Talmadge, Hemstad, Wojahn and Sellar:

Revising laws relating to proceedings after judgments against debtors.

The Senate resumed consideration of Senate Bill No. 3183 as amended by Senator Hemstad on March 11, 1981. The following amendment by Senator Rasmussen was ruled to be in order on March 12, 1981:

On page 7, after line 32, insert the following:

"Sec. 7. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((~~twenty~~) forty) thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimant, and shall not be devoted exclusively to any other purpose."

Renumber the sections consecutively.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, it is true that for the settlement of a judgment on a garnishment, you could just as well lose your home as they have been losing them in Seattle now for claims that people are not aware of that they are against the property. Could this happen?"

Senator Clarke: "It is true, Senator, that any type of judgment could be levied against available assets which are not subject to exemption. That relates both to personal property and homesteads that are exempted; so this is one of the areas in which a judgment could be collected, that is quite correct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Excused: Senator Hughes—1.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3183, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Hughes—1.

ENGROSSED SENATE BILL NO. 3183, 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.

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

THIRD READING

ENGROSSED SENATE BILL NO. 3114, by Senators Talmadge and Hayner: Modifying provisions relating to attorneys' fees.

The Senate resumed consideration of Engrossed Senate Bill No. 3114. On March 12, 1981, the bill was amended and held on third reading.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3114 was returned to second reading.

On motion of Senator Talmadge, the following amendments were considered and adopted simultaneously:

On page 2, line 28, after "RCW 4.84.250" strike "or section 4 of this act"

On page 2, beginning on line 34, strike all of section 5. Renumber remaining sections.

On page 3, line 19, after "3," strike "4, and 5" and insert "and 4"

On motion of Senator Talmadge, the following amendment to the title was adopted:

On page 1, line 5 of the title, after "RCW 4.84.250;" strike all the language down through "RCW 4.84.290;" on line 6.

On motion of Senator Hemstad, the rules were suspended, Reengrossed Senate Bill No. 3114 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3114, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Talmadge, Vognild, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Clarke, Fleming, Gaspard, Goltz, Hurley, Lysen, McDermott, Moore, Pullen, Ridder, Sellar, Shinpoch, Talley, Williams, Wilson, Wojahn, Woody—20.

Excused: Senator Hughes—1.

REENGROSSED SENATE BILL NO. 3114, 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 Clarke, Senate Resolutions 1981—18, 20, 34, 36 and 37 were referred to the Committee on Rules.

MOTION

At 12:40 p.m., on motion of Senator Hayner, the Senate recessed until 7:00 p.m.

MESSAGE FROM THE HOUSE

March 24, 1981.

Mr. President: The House has consented to the Senate motion to add sponsors, and the Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 17.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3206, by Committee on State Government (originally sponsored by Senators Rasmussen and Jones):

Implementing the law relating to control of intoxicating liquor.

The Senate resumed consideration of Substitute Senate Bill No. 3206 from earlier today. The bill was amended by Senators Jones and Rasmussen. The following amendment by Senator Haley, Woody and Scott had been moved for adoption by Senator Haley. A Point of Order had been raised by Senator Metcalf and held for a Ruling by the President.

On page 26, after line 1, insert "(1) Section 11, chapter 62, Laws of 1933 ex. sess. and RCW 66.16.080;"

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Metcalf, the President finds that Substitute Senate Bill No. 3206 is a measure relating to alcoholic beverage control which has as its primary purpose the amendment of the existing law to conform to changing federal requirements and generally improve administration.

"The amendment proposed by Senators Haley, Woody and Scott, which repeals the statute prohibiting Sunday openings of state liquor stores, would, on the other hand, represent a major policy change.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senators Haley, Woody and Scott was ruled out of order.

On motion of Senator Rasmussen, the following amendments to the title were adopted:

On page 1, line 20 of the title, after "66.24.025;" and before "amending" insert "amending section 10, chapter 21, Laws of 1969 ex. sess. as amended by section 13, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.206;"

On page 1, line 23 of the title, after "RCW 66.24.210;" and before "amending" insert "amending section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 14, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.270;"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 3206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Rasmussen, in section 7 of the substitute bill on page 10, there is a change with respect to whether or not someone who has been convicted of a felony offense can receive a license from the liquor control board.

"Could you please describe what that change is because down in sub (c), or former sub (c) it says 'any person who has been convicted of a felony within 5 years prior to filing his application couldn't get a license,' and it seems in sub (2) of section 7 that the change is so that the board can just consider the criminal offense and need not deny the application of someone who's been convicted of a felony."

Senator Rasmussen: "Well, this section brings the liquor board law into conformity with court decisions where that, after a person has served his time when convicted of a felony, that he's then eligible again. The Court decision is on that and the liquor board is only conforming to those court decisions."

MOTIONS

On motion of Senator Ridder, Senator Conner was excused.

On motion of Senator Jones, Senator von Reichbauer was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3206, and the bill passed the Senate by the following vote: Yeas, 44, nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Metcalf—1.

Excused: Senators Conner, Hughes, von Reichbauer—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3127, by Senators Rasmussen, Shinpoch, Lee and Deccio: Establishing investment policies for state funds.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3127 was substituted for Senate Bill No. 3127 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 3127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3127, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Conner—1.

SUBSTITUTE SENATE BILL NO. 3127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3740, by Senator Shinpoch:

Modifying provisions relating to the state investment board.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Metcalf was adopted:

On page 1, after line 7, insert the following:

"Section 1. Section 2, chapter 3, Laws of 1981 and RCW 43.____ are each amended to read as follows:

There is hereby created the state investment board to consist of fourteen members to be appointed as provided in this section.

(1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.

(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.

(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.

(4) The state treasurer.

(5) A member of the state house of representatives. This member shall be appointed by the speaker of the house of representatives.

(6) A member of the state senate. This member shall be appointed by the president of the senate.

(7) One member who is a retired member of a state retirement system shall be appointed by the governor, subject to confirmation by the senate. The initial term of appointment shall be three years.

(8) The director of the department of labor and industries.

(9) The director of the department of retirement systems.

(10) Five nonvoting members appointed by the state investment board who are considered experienced and qualified in the field of investments.

The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January ((+2; +198+)) 10, 1983. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority.

Sec. 2. Section 4, chapter 3, Laws of 1981 and RCW 43.____ are each amended to read as follows:

(1) A quorum to conduct the business of the state investment board consists of at least ((five)) four voting members of the board before January 10, 1983, and five voting members thereafter. No action may be taken by the board without the affirmative vote of four members before January 10, 1983, and five members thereafter.

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson or vice chairperson."

Renumber the remaining sections consecutively.

On motion of Senator Shinpoch, the following amendment was adopted:

On page 2, on line 32, after "immediately" insert ", except sections 1 and 2 of this act shall take effect July 1, 1981"

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Metcalf to the title was adopted:

On page 1, on line 1 of the title, after "investments;" insert "amending section 2, chapter 3, Laws of 1981 and RCW 43.____; amending section 4, chapter 3, Laws of 1981 and RCW 43.____;" and on line 6 of the title, after "43.____;" insert "providing an effective date;"

On motion of Senator Shinpoch, the rules were suspended, Engrossed Senate Bill No. 3740 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3740, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Conner—1.

ENGROSSED SENATE BILL NO. 3740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3265, by Senators Peterson, Gallagher and Talley (by Department of Fisheries request):

Modifying the moratorium on salmon charter boat licenses.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 3265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Peterson, I understood this did apply to salmon charters and not bottom fish charters; and if this applies to bottom fish charters, also, I would like to have that clearly, if that was the meaning of your statement just a minute ago, I would like to have you repeat them."

Senator Peterson: "Senator Metcalf, this measure is devoted to the charter boat industry, principally concerning salmon. Now if there was any reference in the measure that indicates that it pertains to bottom fishing, I am not aware of it, but that is not the intent of the bill and for the record and for the journal, I would state that it only pertains to the salmon fishery. That is what it was intended to be."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3265 and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Woody, Zimmerman—28.

Voting nay: Senators Bauer, Charnley, Clarke, Fleming, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—20.

Excused: Senator Conner—1.

SENATE BILL NO. 3265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3128, by Senators Sellar and Talley:

Modifying provisions on special purposes districts.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3128 was substituted for Senate Bill No. 3128 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Sellar were considered and adopted simultaneously:

On page 1, line 17, after "officials" strike ", officers, and employees"

On page 1, line 22 after "officials" strike ", officers, and employees"

On motion of Senator Pullen, the following amendment was adopted:

On page 1, line 18, after "from" insert "civil"

On motion of Senator Zimmerman, the rules were suspended, Engrossed Substitute Senate Bill No. 3128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Sellar, sewer districts are specifically authorized to manage on-site septic tanks. I thought that would be the problem of the owner, that he had to manage his own septic tanks. Why are school districts authorized to move in on private property?"

Senator Sellar: "I would assume that if maybe a commercial location that could not be served by a sewer and wanted to be served by some type of a large septic tank operation, this could be put in by a sewer district and like a ULID or anything else. Perhaps the sewer district could extend to some place that they just couldn't get their lines to."

Senator Rasmussen: "On private property?"

Senator Sellar: "With the consent of the owner."

Senator Rasmussen: "Second question. Sewer districts are especially allowed to pay the employee share of social security insurance."

Senator Sellar: "Correct."

Senator Rasmussen: "The sewer district then would pay 13¼%, pay both employees . . ."

Senator Sellar: "That is correct, this gives, it doesn't mandate, but it gives them the authorization . . . You know, with our present tax structures it is beginning to be a little bit more attractive to employees to receive this type of benefit in lieu of raises."

Senator Rasmussen: "That is only for one term, one round; then the next time you come back again with the Senator Rasmussen: "That is only for one term, one round; then the next time you come back again with the raises; you get that little bit."

"The reason I asked, Senator Sellar, that is quite a departure from what is being done now where the employee pays his share and the state pays their share and the sewer district pays their share. I don't know if that has been approved yet in general, for all state employees."

Senator Sellar: "There may be others coming in that same fashion."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3128, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Metcalf, Pullen, Rasmussen, Zimmerman—4.

Excused: Senator Conner—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3303, by Senators Talmadge and Clarke (by Washington State Patrol request):

Revising law relating to speed traps.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment by Senators Woody and McCaslin:

On page 2, after line 13 insert the following:

"(4) Evidence of a vehicle's speed of less than ten miles per hour over the posted speed limit is not admissible against any person arrested or issued a notice of traffic infraction for violation of any of the laws of this state or of any orders, rules or regulations of any city, town or other political subdivision regarding speed if the evidence is based on a determination of speed made under subsection (2)(b) of this section."

Debate ensued.

The motion by Senator Woody failed and the amendment was not adopted.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3303 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, is it true that if a state patrolman, operating from an airplane, observes a car traveling more than the 55 mile an hour speed limit, and makes that information known to another patrolman that the person in the aircraft has to appear in court?"

Senator Talmadge: "Yes, Senator Goltz; that is the person that has first-hand knowledge for purposes of testifying in court and what we were advised was that the person in the aircraft rather than the officer on the ground is the one that has to testify because he or she has to identify the car that was being observed down on the highway. And that is something that the officer in the car on the road can't do."

Senator Goltz: "One further question, Senator, if I may. It seems to me that this is somehow duplicative; you said that the reason for having this aircraft making these observations was that it somehow took care of a manpower problem on the ground, but if you are doubling up, that is, one person making the observation from the air and having that, in fact, duplicated again on the ground, it seems to me that that is a duplication of effort and expense and it may be that we should reexamine whether or not the aircraft is really necessary."

Senator Talmadge: "I think for some of the broad expanses of highway in the state, Senator Goltz, the use of the aircraft gives the state patrol the opportunity to monitor a larger section of the road than would be the case when you simply had a car on the road; it gives them the opportunity to see what is going on in a better fashion and have a car on the road locate it at a particular point to be advised when someone who had violated the speed law earlier, the aircraft can monitor what is going on a little bit better."

POINT OF INQUIRY

Senator Quigg: "Senator Hughes, are you a pilot?"

Senator Hughes: "I was for about fifteen seconds during that flight, Senator."

Senator Quigg: "Is it normal practice this aircraft surveillance, is there an observer along with the pilot or is the pilot up there by himself or by herself?"

Senator Hughes: "When it is possible, they do have an observer, but that is not always possible."

Senator Quigg: "Well, as long as we have big brother watching us, you mean big brother is also timing us as he is flying the airplane?"

Senator Hughes: "Senator, the implication there is that proper law enforcement is a big brother, and I know that must be falsely drawing an implication from you there; you certainly do not intend that, I am sure."

Senator Quigg: "Well, Senator Hughes, I am sure you had your hands full up there, just flying that airplane for those fifteen seconds and trying to clock that car through that quarter-mile speed trap, but it just seems to me as though we are just kind of moving one step further to having some sort of speed-o-graph recorder in our cars where the patrol can pull us over, ask us to show them the chart, and we will see whether we were speeding or not, and we will put that in before the judge."

"Frankly, I think big brother is creeping . . . a little stronger than he should be already, to have him have this one more handle on us, makes me a little nervous about this bill and I urge that it not be passed."

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Quigg, we have regions in the state of Washington that are rather sparsely populated. The state patrol has a very limited number of individuals and they have to concentrate their numbers in areas where there are larger populations."

"How would you address the problem of those who would tend to speed between, let's say Moses Lake and Ritzville, if we were not able to use the aerial surveillance?"

Senator Quigg: "Well, once again, I imagine it is just the matter of the proper application of accurate resources and to have some pilot up there with his hands full, flying an airplane with a Senator along side of him, trying to clock people down on the road, seems to me a much more dangerous situation than somebody exceeding the speed limit by less than ten miles an hour through the straight stretches between Vantage and Moses Lake."

POINT OF INQUIRY

Senator Peterson: "Senator Hughes, did I understand you to say that you were a pilot, or you just flew in the airplane?"

Senator Hughes: "For about fifteen minutes, Senator, I was able to hold the controls of the airplane and I completely failed to listen to the instructions given to me by the officer at the time and he had to repeat them as soon as he took control of the plane once again."

Senator Peterson: "Senator, when you were flying in the patrol plane and the patrolman in the aircraft sighted a motorist, was he right over the 'x' mark on the highway and then, was he right over him when he clocked him at the quarter-mile or half-mile mark?"

Senator Hughes: "First of all, the officer did not give me the control of the plane in order to clock. He did it to pull out the three watches so that the staff member and myself and he could all clock at the same time. What he did do, he paralleled some traffic on I-5 and he picked out what he believed to be an excessive speeder. We clocked the first one; it was not. The second one, we clocked as I said, at the exact mark, all three of us were asked, we thought the car hit the zero mark, hit the watch at the one-quarter, at the half, at the three-quarter and at the mile. All three of us came up with exactly 62.25 and I was rather impressed. . ."

Senator Peterson: "Well, Senator, then didn't the pilot radio down to a patrolman on the highway that was parked in advance of the speeding car and say, 'Well,

this is a white Chevrolet, '67 or '72 model, and he is doing 62 miles an hour; pick him up'?"

Senator Hughes: "I asked that question of the pilot, Senator, and he told me that once they do determine that a driver is in excess, they do notify another officer on the ground; he then begins to follow that car and he clocks it over, at least, I think the minimum was a quarter of a mile, and if they do meet the same figures or excessive figures of the one presented by the pilot, then that person is pulled aside.

"Now there is one contradiction; if it is a two-lane highway, they do signal people in advance, one car patrols behind once he clarifies that that individual is exceeding it, he warns the officer in advance so that the car is not swinging in and out and passing cars, and they do pull them across.

"But I really was impressed by the fact that it is a dual system, Senator, that is incredibly accurate when you can get three people who manually have to clock and all come up with the same figure. I was very impressed by it."

Further debate ensued.

Senators Deccio, Bottiger and Zimmerman demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3303.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3303, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Pullen, Ridder, Scott, Shinpoch, Talley, Talmadge, Wojahn, Zimmerman—27.

Voting nay: Senators Benitz, Conner, Fleming, Gaspard, Goltz, Haley, Hansen, Hurley, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Williams, Wilson, Woody—22.

SENATE BILL NO. 3303, 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 Clarke, Senate Bill No. 3359 was ordered held for consideration on March 25, 1981.

SECOND READING

SENATE BILL NO. 3353, by Senators Vognild, Talley and Clarke (by Insurance Commissioner's request):

Revising requirements for fire safety inspections of transient accommodations by the fire marshal.

REPORT OF STANDING COMMITTEE

February 25, 1981.

SENATE BILL NO. 3353, revising requirements for fire safety inspections of transient accommodations by the fire marshal (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10, after "lease" and before the period strike "annually" and insert "biennially"

Signed by: Senators J. T. Quigg, Chairman; Jones, Newhouse, Sellar.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

Senator Hayner moved adoption of the following amendment:

On page 2, after line 13, insert:

"NEW SECTION. Sec. 2. There is added to chapter 70.62 RCW a new section to read as follows: The provisions of this act and chapter do not apply to transient accommodations offered by a bona fide nonprofit, charitable organization which makes no charge for the use of such accommodations."

POINT OF INQUIRY

Senator Goltz: "Senator Hayner, you mentioned the inspection by the department of social and health services. As I read the bill, the inspections that are required here are by the fire marshal. Is this a fire marshal inspection or is it a department of social and health services inspection?"

Senator Hayner: "In the bill it is a fire inspection, there is no question about that. But I was just mentioning the other by the fire marshal, yes. I was mentioning the other inspections that are made on these groups such as this, and for the most part, they are in areas where they are very close to fire departments because they are in the populated areas as you well know. There are essentially six of them in the state of Washington; and the other thing about that, Senator Talmadge, I could take in transients any time I wanted, free of charge, and keep them in my house; nobody's inspecting my quarters, in fact, it might be much worse, the situation.

"I think we have to encourage in these economic conditions, these kinds of organizations to take people in like this. Every time we put these onerous regulations on them, it makes them more difficult to operate.

"I don't think it is a question of safety, I certainly want to have them as safe as possible, but I am sure that every one of these organizations also has insurance and when they have insurance, they are inspected by that, as well."

Debate ensued.

The motion by Senator Hayner carried and the amendment was adopted on a rising vote.

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, I would like to point out on a point of personal privilege that most of these people that we didn't protect are Democrats who sleep in those Lighthouse missions."

On motion of Senator Hayner, the following amendment to the title was adopted:

On page 1, line 1 of the title strike "and" and on line 3, after "70.62.290" insert "and adding a new section to chapter 70.62 RCW"

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Bill No. 3353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator Vognild, does this not also apply to hotels and motels?"

Senator Vognild: "No, it does not. RCW 67.28.160 is part of, I have the bill turned over, I'm sorry; just strike 70.62.290, refers to transient facilities only."

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Guess, are any of the organizations, to your knowledge, who provide housing for youngsters who are on the move, nonprofit organizations, the fact that they charge something doesn't mean they are nonprofit."

Senator Guess: "Well, this thing says 'which makes no charge for the use of such accommodations.'"

REMARKS BY SENATOR VOGNILD

Senator Vognild: "I would like to clarify one thing. Defeating this bill as I ask you to, will not change the present inspection structures of any motels or hotels. The inspections will still stay in place as they are; and I think from a fire-safety position over all, we are better off to have that than we are to take this large number of transient facilities and totally take them out of the inspection picture.

"That is why I ask you to vote 'no.'"

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Vognild, I am a little confused I remember reading from the bill, been looking at this synopsis, it says, 'transient accommodations, primarily hotels and motels are licensed by the department of social and health services.' Is that true?"

Senator Vognild: "That is correct."

Senator Deccio: "DSHS licenses motels, Thunderbirds, the Tye . . ."

Senator Vognild: "I am not sure at what level that that changes, I know it does change. But DSHS licenses any transient facility, any, well they go into nursing homes, hospitals, and all of this, is not part of this bill; but that is the type of licensing that they do. I do not believe that they license a private-for-profit motel/hotel."

Senator Deccio: "I hope not; thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3353, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

ENGROSSED SENATE BILL NO. 3353, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 3262, by Senator Bottiger:

Mandating due process hearing before certification of school bus driver, required by state board of education rule, is cancelled.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3262, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Talley—1.

SENATE BILL NO. 3262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3066, by Senators Moore, Sellar, Jones and Bauer:

Revising the interest rates on certain loans.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 1, line 10, after "parties" insert "and such interest shall be paid in gold or silver coin as required by Article 1, Section 10 of the United States Constitution"

POINT OF INQUIRY

Senator Wojahn: "Senator Pullen, do you suppose that the Constitution would permit the use of silver certificates which are backed by silver?"

Senator Pullen: "No, Senator Wojahn . . ."

Senator Wojahn: ". . . except they're not good any more, of course; but they are still good but there are none in circulation, or very few.

"But it would seem to me that they would be adequate also, a silver certificate."

Senator Pullen: "I would not think so, Senator Wojahn."

Senator Wojahn: "I am thinking of some of the debts that some of us may have around here; be pretty hard to tug all that to the bank; I can see a bag of gold or silver, but it would be so heavy that it would seem that a silver certificate should be adequate."

Senator Pullen: "Well, I am sure it would be adequate if the person receiving payment accepted it in lieu of the actual silver coin."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Pullen, it's hard to get public to trust and accept these Susan B. Anthony dollars; would it be all right to amend the bill that we paid for them?"

Senator Pullen: "Senator Talley, we could mint Susan B. Anthony dollars in gold or silver then maybe we would be okay."

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 13, after "chapter" insert "PROVIDED, HOWEVER, That the rate shall revert to six percent on January 1, 1985"

Debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3066, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Pullen, Williams—2.

SENATE BILL NO. 3066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3750, by Senators Gaspard, Hemstad, McDermott, Craswell, Deccio and Hughes:

Authorizing transportation of private school students in public school buses.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3750 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, how do they figure the reimbursement? Does that include the capital outlay, some of these busses of course, cost \$100,000, and students pay no fare, the public school students pay no fare. How would they determine the reimbursement, include in the total fare charge, the cost of the busses?"

Senator Gaspard: "Senator Rasmussen, we have set somewhat of a precedent here in the past. We do now allow senior citizens to ride busses, school busses, on a cost reimbursement basis, and the precedent has been set in establishing that criteria for cost reimbursement for actual cost.

"If that is not satisfactory to the school district, it would certainly be up, then, to the local school districts to set out a policy that would meet the Constitutional requirements of separation of church and state. Also the state superintendent of public instruction could provide guidelines, too."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3750, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould,

Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Shipoch—1.

Absent or not voting: Senators Hayner, Hughes—2.

SENATE BILL NO. 3750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3961, by Senators Hansen, Conner, Talley, Newhouse and Charnley:

Extending authority of port districts to operate rail lines.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3961 was substituted for Senate Bill No. 3961 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3961 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Hughes was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3961, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Metcalf—1.

Excused: Senator Hughes—1.

SUBSTITUTE SENATE BILL NO. 3961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3785, by Senators Wojahn and Bluechel:
Authorizing certain lenders to be identified as mortgage bankers.
The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3785 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3785, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Hughes—1.

SENATE BILL NO. 3785, 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 Clarke, the Senate commenced consideration of measures on the Consent Calendar commencing with Senate Bill No. 3073.

SECOND READING

SENATE BILL NO. 3073, by Senators Ridder and Metcalf:

Exempting from the open public meetings act portions of a meeting at which the state auditor's preliminary report is received.

REPORT OF STANDING COMMITTEE

February 27, 1981.

SENATE BILL NO. 3073, exempting from the open public meetings act portions of a meeting at which the state auditor's preliminary report is received (reported by Committee on Constitutions and Elections):

Recommendation: Do pass with the following amendment:

On page 2, line 2, after "(5)" strike all material down to and including "auditor." on line 3, and insert "Discussions between the governing body and representatives of the state auditor in connection with the auditors examination of the agency, prior to the issuance of the final examination report."

Signed by: Senator Pullen, Chairman; Clarke, Conner, Gould, Metcalf, Ridder, Woody.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment.

MOTION

On motion of Senator Metcalf, Senate Bill No. 3073 and the pending committee amendment were ordered held for later consideration.

SECOND READING

SENATE BILL NO. 3315, by Senators Goltz and Patterson:

Exempting barber and cosmetology schools from the educational services registration act.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3315 was substituted for Senate Bill No. 3315 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the following amendment by Senators Goltz and Benitz was adopted:

On page 12, beginning on line 19, strike "consistent with guidelines adopted by the director, the school has established" and insert "for any nonaccredited school, the nonaccredited school has established, consistent with guidelines adopted by the director,"

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 3315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3315, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Hayner—1.

Excused: Senator Hughes—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3073, by Senators Ridder and Metcalf:

Exempting from the open public meetings act portions of a meeting at which the state auditor's preliminary report is received.

The Senate resumed consideration of Senate Bill No. 3073 and the pending committee amendment that had been moved for adoption by Senator Metcalf earlier today.

The motion by Senator Metcalf carried and the committee amendment was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 3073 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3073, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—45.

Voting nay: Senators Lysen, Wilson, Zimmerman—3.

Excused: Senator Hughes—1.

ENGROSSED SENATE BILL NO. 3073, 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 Clarke, the Senate will consider Senate Bill No. 3027 followed by Senate Bill No. 3028.

SECOND READING

SENATE BILL NO. 3027, by Senators Williams and Fuller (by Committee on Ecology request):

Restricting the destruction of historic properties.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3027 was substituted for Senate Bill No. 3027 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the following amendment by Senators Guess and McDermott was adopted:

On page 2, line 13, after "section" insert:

" : PROVIDED, That the Pasco-Kennewick Bridge across the Columbia River shall be preserved for a period of not less than two years from the effective date of this act "

On motion of Senator Fuller, the rules were suspended, Engrossed Substitute Senate Bill No. 3027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3027, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Hughes—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3028, by Senators Williams, Zimmerman, Goltz, von Reichbauer and Hemstad (by Committee on Ecology request—46th Legislature):

Requiring the director of general administration to give preference to historic properties for use by state agencies.

REPORT OF STANDING COMMITTEE

February 6, 1981.

SENATE BILL NO. 3028, historic properties for use by state agencies (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 21, after "not" strike "of historic significance" and insert "among those identified by the state historic preservation officer pursuant to this section"

Signed by: Senators Hurley, Chairman; Goltz, Haley, Hansen, Hughes, Vognild, Williams.

The bill was read the second time by sections.

On motion of Senator Fuller, the committee amendment was adopted.

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 3028 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3028, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Pullen—1.

Excused: Senator Hughes—1.

ENGROSSED SENATE BILL NO. 3028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3319, by Senators Goltz, Patterson and Charnley:

Reviving foreign student scholarship program from extinction under sunset act.

The bill was read the second time by sections.

On motion of Senator Jones, the following amendment by Senators Jones, Hayner and Goltz was adopted:

On page 1, after line 6, insert:

"**NEW SECTION.** Section 1. The foreign student scholarship program under RCW 28B.10.200, as now existing or hereafter amended, shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time."

Renumber remaining sections consecutively.

On motion of Senator Jones, the following amendment by Senators Jones, Hayner and Goltz to the title was adopted:

On page 1, line 4 of the title strike the first "and", and on line 5 after "RCW 43.131.182" insert: "and providing an expiration date"

On motion of Senator Benitz, the rules were suspended, Engrossed Senate Bill No. 3319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Goltz, I introduced a bill that would give American citizens priority over foreigners in our state's tax supported colleges and universities. Now as I was talking to you the other day, you are saying that for each of these hundred tuition and fee waiver for foreign students, there is a corresponding student from this state of Washington who receives the same benefits in a foreign country. Is that correct?"

Senator Goltz: "I wouldn't say, Senator Lysen, that it works one-on-one in every case. But the way the program is administered, that is the objective by many of the colleges and universities in the state; and the way it's administered at Washington State University, it does, in fact, work that way.

"But the objective is that it is meant to be reciprocal and it gives many of our students that opportunity; but not one-on-one."

Senator Lysen: "So you are saying but by and large they have achieved that standard?"

Senator Goltz: "In a very substantial move in that direction."

Senator Lysen: "I don't think I got a straight answer, Senator Goltz. 'Very substantial move in that direction' means what?"

Senator Goltz: "That many students do receive the same treatment abroad as we give them here . . . one-on-one."

Senator Lysen: "If we have a hundred students would you say it is fair to say that we have ninety or eighty who receive the comparable . . ."

Senator Goltz: "I would say more than fifty percent. I would have to defer, I think, to perhaps to Senator Patterson to get a more definitive number, but it is certainly close to 100% at Washington State and approaches that at the University of Washington, I am sure. Senator Patterson could elaborate on it."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "The best I can do is speak about the institution that I was associated with, Washington State University; and the administrator of the program is very, very selective, not only in the students who have the opportunity to study on an exchange program, one-on-one, from another university around the world.

"I might add that the American students probably have the better side of this particular arrangement; not only do they have their tuition and fees waived, but in many, many cases they have both board and room provided for them when they are on an exchange program. The only thing that we waive for the foreign student coming into the program, is the tuition and fees and they pay for their way otherwise.

"I think it is an excellent program and I think we would be remiss if we did not continue this program. I think it has a tremendous impact on our ability to maintain better relations from some of our friendlier nations around the world."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3319, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallaghan, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Hughes—1.

ENGROSSED SENATE BILL NO. 3319, 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.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the eighth order of businesses.

On motion of Senator Lee, the Committee on Commerce and Labor was relieved from further consideration of Senate Bill No. 4326.

On motion of Senator Lee, Senate Bill No. 4326 was rereferred to the Committee on Local Government.

On motion of Senator Lee, the Committee on Social and Health Services was relieved from further consideration of Senate Bill No. 3765, Senate Bill No. 4296 and Senate Bill No. 4299.

On motion of Senator Lee, Senate Bill No. 3765, Senate Bill No. 4296 and Senate Bill No. 4299 were rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Commerce and Labor was relieved from further consideration of Senate Bill No. 3902.

On motion of Senator Lee, Senate Bill No. 3902 was rereferred to the Committee on Financial Institutions and Insurance.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Woody moved the Senate reconsider the vote by which Engrossed Senate Bill No. 3372 passed the Senate on March 17, 1981.

Senator Woody demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Woody that the Senate reconsider the vote by which Engrossed Senate Bill No. 3372 passed the Senate.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 20, nays, 22; absent or not voting, 6; excused, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Gaspard, Goltz, Haley, Hansen, Lysen, Metcalf, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Newhouse, Patterson, Peterson, Quigg, Sellar, Zimmerman—22.

Absent or not voting: Senators Deccio, McCaslin, McDermott, Moore, Talmadge, von Reichbauer—6.

Excused: Senator Hughes—1.

MOTION

At 9:40 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Wednesday, March 25, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 25, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. At 10:54 a.m., the President called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present except Senators McDermott and Zimmerman. On motion of Senator Ridder, Senator McDermott was excused.

The Color Guard, consisting of Pages Carin Cook and Cindy Sparks, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 24, 1981.

SENATE BILL NO. 3084, establishing a state housing finance commission (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3084 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Sellar.

Referred to Committee on Ways and Means.

March 18, 1981.

SUBSTITUTE SENATE BILL NO. 3296, establishing a state fire protection board (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3296 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Hayner, Hughes, Lee, McDermott, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3332, revising laws regulating physical therapy (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3332 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 3422, modifying the payment of workers' compensation fees for inmates employed in certain industrial enterprises (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3587, implementing law relating to kindergartens (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Lee, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3589, revising certain laws governing the promulgation and distribution of transportation tariffs (reported by Committee on Transportation);

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3603, regulating audiologists (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3603 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3610, authorizing a class L liquor license for nonprofit arts organizations (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3669, relating to transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill NO. 3669 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3699, relating to state highway bonds (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3699 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Conner, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3717, authorizing criminal justice training for law enforcement personnel of recognized Indian tribes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3796, modifying provisions relating to intoxicating liquor (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3821, providing treasurer for state board for community college education and setting forth duties thereof (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shipnuch, von Reichbauer.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3837, creating a temporary committee on prisoner work programs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Pullen.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3882, requiring the department of ecology to provide a noise control assistance program for local governments (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Hughes, Hurley, Williams.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 3913, authorizing presuit depositions and interrogatories in the investigation of unfair business practices (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3913 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3931, revising laws relating to deferred compensation plans (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Fleming, Gaspard, Hughes, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3959, modifying civil liability for the handling of hazardous materials (reported by Committee on Transportation):

Recommendation: That Substitute Senate Bill No. 3959 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallaghan, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4037, modifying requirements for the use and foreclosure of deeds of trust (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4082, providing for termination of the criminal justice training commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4083, placing judicial training under the administrator for the courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 19, 1981.

SENATE BILL NO. 4084, authorizing prison labor on public works (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4084 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Woody.

Passed to Committee on Rules for second reading.

March 20, 1981.

SENATE BILL NO. 4115, revising laws relating to international banking facilities (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bluechel, Bottiger, Clarke, Pullen.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 4196, providing screening of private school students for scoliosis (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4196 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4316, establishing the hazardous materials advisory council (reported by Committee on Transportation):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley, Vognild.

Referred to Committee on Ways and Means.

March 24, 1981.

SENATE BILL NO. 4339, modifying laws on the use of bicycles (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4339 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Lysen, Metcalf, Vognild.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

March 20, 1981.

THOMAS M. RYAN, to the position of Member of the State Parks and Recreation Commission, appointed by the Governor on February 18, 1981 for the term ending December 31, 1986, succeeding Eustace Vynne, Jr. (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Guess, Hansen, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules.

March 20, 1981.

JACK R. GUSTAFSON, M.D., to the position of Member of the State Parks and Recreation Commission, appointed by the Governor on February 18, 1981 for the term ending December 31, 1982, succeeding Allen F. Stratton (reported by Committee on Parks and Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hughes, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules.

NOTICE OF CONSIDERATION

Senator Charnley served notice that he would, on the next working day, move to consider Senate Resolutions 1981-38 and 1981-39 concerning Senate Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 24, 1981.

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:

Virginia B. Evans, appointed March 19, 1981, for a term ending September 30, 1985, succeeding H. James Worthington as a member of the Board of Trustees for Community College District No. 19.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 24, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Burt A. Shearer, reappointed March 19, 1981, for a term ending December 26, 1983, as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Transportation.

Office of the Governor, March 24, 1981.

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:

Captain Henry R. Damon, appointed March 19, 1981, for a term ending December 26, 1984, succeeding Captain Bert C. Holmes as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Transportation.

Office of the Governor, March 24, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Melvin M. Stewart, reappointed February 25, 1981, for a term ending December 26, 1984, as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Transportation.

Office of the Governor, March 24, 1981.

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:

Larry W. Herron, C.P.A., appointed March 20, 1981, for a term ending September 30, 1985, succeeding Ronald Lee Rogerson as a member of the Board of Trustees for Community College District No. 3.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 24, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ms. Patricia A. Richardson, reappointed March 20, 1981, for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 20.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 24, 1981.

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:

James S. Munn, appointed March 20, 1981, for a term ending December 31, 1983, succeeding Lawrence B. Bradley as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Constitutions and Elections.

Office of the Governor, March 24, 1981.

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:

Kathleen A. Wareham, appointed March 19, 1981, for a term coextensive with her tenure as a student and not exceeding three years, succeeding Douglas R. Scott, Jr., as a member of the Council for Postsecondary Education.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 24, 1981.

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:

Barbara Manor, appointed March 19, 1981, for a term ending September 30, 1985, succeeding Scott O. Richards as a member of the Board of Trustees for Community College District No. 4.

Sincerely,
JOHN SPELLMAN
 Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 24, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 24, 1981.

Mr. President: The House has passed:

HOUSE BILL NO. 12,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 16,

SUBSTITUTE HOUSE BILL NO. 61,

ENGROSSED HOUSE BILL NO. 114,

SUBSTITUTE HOUSE BILL NO. 145,

SECOND SUBSTITUTE HOUSE BILL NO. 157,

SECOND SUBSTITUTE HOUSE BILL NO. 158,

ENGROSSED HOUSE BILL NO. 163,

ENGROSSED HOUSE BILL NO. 171,

SUBSTITUTE HOUSE BILL NO. 176,

SUBSTITUTE HOUSE BILL NO. 196,

SUBSTITUTE HOUSE BILL NO. 224,

SUBSTITUTE HOUSE BILL NO. 279,

SUBSTITUTE HOUSE BILL NO. 323,

ENGROSSED HOUSE BILL NO. 334,

HOUSE BILL NO. 385,

HOUSE BILL NO. 456,

SUBSTITUTE HOUSE BILL NO. 557, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HOUSE BILL NO. 12, by Representatives Isaacson, Valle, Wilson, Hankins and Maxie:

Permitting the use of a renewed vehicle license for a full twelve-month period.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 16, by Committee on Revenue (originally sponsored by Representatives Tilly, Fancher, Isaacson, Schmitt, Barr and Ellis):

Modifying the real estate excise tax affidavit.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 61, by Committee on Revenue (originally sponsored by Representatives Flanagan, Brown, Galloway, Greengo, Sommers, Hastings, Garson and Fiske):

Placing telephone companies and their competitors on an equal excise tax basis.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 114, by Committee on Transportation and Representatives Wilson and McCormick:

Excusing railroads and their employees from liability for injury to trespassers on bridges, trestles, and tracks.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 145, by Committee on Revenue (originally sponsored by Representatives Rosbach, Fancher, Nisbet, Chamberlain, Fiske, Lundquist, Owen, North, Scott and Wilson):

Providing an alternate tax on small harvesters of timber.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 157, by Committee on Local Government (originally sponsored by Representatives Addison, O'Brien, Sanders, Erak, Dickie, Isaacson, Johnson, McGinnis, Leonard, Bond and Taylor):

Requiring local governments and state agencies to pay interest on delinquent contract payments.

Referred to Committee on Commerce and Labor.

SECOND SUBSTITUTE HOUSE BILL NO. 158, by Committee on Higher Education (originally sponsored by Representatives King (J), Barnes, Chamberlain and Galloway):

Exempting certain schools and colleges from educational services registration act.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 163, by Representatives Kreidler, Ellis and Wang:

Permitting handicapped voters to be assisted by another voter or by election officials.

Referred to Committee on Constitutions and Elections.

ENGROSSED HOUSE BILL NO. 171, by Committee on Local Government and Representative Isaacson:

Limiting electrical inspection fees.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 176, by Committee on State Government (originally sponsored by Representatives Nelson (G), King (R), McGinnis, Greengo, Ehlers, Erickson, Walk, Addison and Hine):

Providing for competitive selection of architects and engineers on public construction projects.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 196, by Committee on Education (originally sponsored by Representatives Ellis, Taylor, Nelson (G), Tilly, Hastings, James, Lewis, McCormick, Lane, Gallagher, Vander Stoep, Barnes, Johnson, Warnke, Heck, Barr, Eberle, Bond and Grimm):

Authorizing exempt category of private schools who because of matters of conscience and/or religious belief cannot otherwise comply with present approval procedure.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 224, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Providing for the taxation of vending machine sales of food.

On motion of Senator Clarke, referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 279, by Committee on Education (originally sponsored by Committee on Education and Representative Taylor):

Authorizing school districts upon vote of school board to hold election to return to system of directors thereof running at large.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 323, by Committee on Local Government (originally sponsored by Committee on Local Government and Representative Isaacson):

Revising laws relating to the division of industrially zoned property.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 334, by Representatives Stratton, Mitchell, Maxie, Rinehart, Erickson, North, Barrett and Padden:

Permitting donations of pacemakers under the uniform anatomical gift act.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 385, by Committee on Labor and Economic Development and Representatives Sanders, Patrick, Eberle, Flanagan, Barrett, Hankins, Clayton, King (J), Monohon, Smith, Ellis, Vander Stoep, Isaacson, Addison and McGinnis:

Enacting the Regulatory Fairness Act.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 456, by Representatives Clayton, Amen, Smith, Fancher, Barr, Flanagan, McCormick, Lundquist and Dickie:

Revising laws relating to storage of agricultural commodities.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 557, by Committee on Human Services (originally sponsored by Representatives Mitchell, Sommers, Nisbet, Becker, Chandler, Dickie, Padden, Kreidler, Bickham, Vander Stoep, Patrick, Williams, Hankins, Owen, Fancher, Scott, Brekke, Stratton, Nickell, Rosbach, Nelson (G), Valle, Chamberlain, Lundquist, Eberle, Martinis, Granlund, Isaacson, McCormick, Van Dyken, Hastings, Johnson, Heck, Amen, Gruger, Tilly, Bond, Struthers, James, Addison, Houchen, Clayton, Winsley, Barr and Ellis):

Prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits.

Referred to Committee on Social and Health Services.

INTRODUCTION AND FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Williams and Thompson:

Urging the construction of a bulk coal handling facility.

MOTIONS

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 19 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, the rules were suspended, House Concurrent Resolution No. 19 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution 108 were ordered held for consideration on March 26, 1981.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3542 was ordered held for consideration on March 26, 1981.

On motion of Senator Bottiger, Senator Clarke concurring, Senate Bill No. 3797 was ordered placed at the beginning of the calendar for consideration in the evening session today.

SECOND READING

SENATE BILL NO. 3359, by Senators Patterson, Hansen, Guess and Lee: Placing ferry employees under the state civil service system.

The bill was read the second time by sections.

On motion of Senator Hemstad, the following amendment by Senators Hemstad, von Reichbauer and Patterson was adopted:

On page 3, beginning on line 4, strike the remainder of the section and insert:

"Nothing in this act shall affect the court decisions prior to the effective date of this act that declare that strikes and other work stoppages by employees of the Washington state ferry system and their unions are illegal."

There being no objection, on motion of Senator Pullen, the amendment to page 3, deleting all of New Section 3 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 3359 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3359, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Zimmerman—1.

Excused: Senator McDermott—1.

ENGROSSED SENATE BILL NO. 3359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 26, 1981.

TO: Secretary of the Senate
FROM: Senator Hal Zimmerman
RE: Statement for the Journal

1. Because Governor John Spellman invited me to accompany him to Longview, Kelso, Castle Rock, Vancouver and the Columbia River Gorge on Monday, March 23, I missed the session and votes on measures before the Senate that day. Republican Caucus leadership had arranged to hear a "consent" calendar

so that there would not be any major issues decided that day.

The trip to Southwest Washington was very productive.

2. I missed the early part of the session on Tuesday, March 25 because of an emergency meeting on one of the agencies in the proposed Senate Ways and Means budget.

SECOND READING

SENATE BILL NO. 3249, by Senators Woody, Hayner and Bottiger:
Revising the Public Disclosure Law.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 3249 was substituted for Senate Bill No. 3249 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the following amendment by Senators Pullen, Woody and Gould was adopted:

On page 15, after line 13 insert the following additional section:

"Sec. 8. Section 3, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.095 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus to one or more candidates or to a political committee or party (~~PROVIDED, That the aggregate value of all contributions transferred to all recipients under this subsection shall in no case exceed two thousand dollars in any one calendar year~~);

(4) Donate the surplus to a charitable organization registered (~~{(f)}~~) in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign, for political activity (~~in accordance with the dollar limitation of subsection (3) of this section where applicable~~), for community activity, or for nonreimbursed public office related expenses and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section."

Renumber the sections following consecutively, and correct internal references accordingly.

On motion of Senator Pullen, the following amendment was adopted:
On page 21, line 6, strike "fifteen" and insert "~~((fifteen))~~ twenty-five"

MOTIONS

On motion of Senator Bluechel, Senator Zimmerman was excused.

There being no objection, on motion of Senator Gould, the amendments to pages 19 and 20, on the desk of the Secretary of the Senate, were withdrawn.

On motion of Senator Gould, the following amendment was adopted:

On page 28, line 22, strike all of NEW SECTION, Sec. 18.

Remember the section remaining consecutively.

Senator Newhouse moved adoption of the following amendment:

On page 18, strike all of lines 14, 15, and 16 and insert:

"(c) (~~((The duration of his employment))~~) What portion of reportable lobbying expenses will be paid by the employer either directly or through reimbursement;

(d) (~~((His compensation for lobbying, how much he is to be paid for expenses, and what expenses are to be reimbursed, and))~~) A"

Debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Newhouse.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; nays 20; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Lysen, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—20.

Excused: Senator McDermott—1.

Senator Newhouse moved adoption of the following amendment:

On page 20, beginning on line 10, strike all of section 11 through and including page 21, line 24, and insert the following:

"Sec. 11. Section 16, chapter 1, Laws of 1973 as last amended by section 4, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170 and 42.17.200:

(1) Persons who limit their lobbying activities to (~~((appearance))~~) appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) News or features reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: **PROVIDED**, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter;

(4) Persons who restrict their lobbying activities to communicating their personal and private concerns to a legislator representing the legislative district wherein such person maintains a permanent residence;

(5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection of their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ((4)) (5) may at his option register and report under this chapter;

~~((5))~~ (6) The governor;

~~((6))~~ (7) The lieutenant governor;

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Newhouse, I'm curious; now you said this was an error in drafting and as I would understand that then, these two separate pieces would normally be in two separate amendments, is that correct, Senator?"

Senator Newhouse: "Yes, it would. They are incorporated; well, in effect, the main change in the language would be on page 3 of the amendment which is new sub (4); and stricken by my amendment is the underlined language in the bill of sub (3). In other words, we are striking that underlined language and making it stronger, putting it in as sub (4)."

Senator Ridder: "Would you have any objection to dividing those, or putting it down a little bit, and presenting them as separate amendments?"

Senator Newhouse: "I would agree that it should be properly drafted. . ."

Senator Ridder: "I wonder if we might do that."

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 3249, as amended, was ordered held for consideration during this evening's session.

On motion of Senator Bluechel, Senators Hayner and Jones were excused.

SECOND READING

SENATE BILL NO. 3722, by Senators Benitz, Newhouse and Deccio:

Modifying provisions relating to home made wine.

The bill was read the second time by sections.

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 3722 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3722, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Lysen—1.

Absent or not voting: Senator Metcalf—1.

Excused: Senators Hayner, Jones, McDermott—3.

SENATE BILL NO. 3722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Vognild: "Thank you, Mr. President, members of the Senate.

"We have a touring group performing in the rotunda. They are called 'Watch Out or the Music Will Get You.' I understand they are very good and the music does get you.

"They are presently traveling throughout Snohomish county primarily in the elementary schools. Their purpose is to culture enrichment programs within those schools; and I urge the members if you have a moment, to stop and listen to them. Thank you"

SECOND READING

SENATE BILL NO. 3586, by Senators Peterson, Talley and Gallagher:

Revising salmon enhancement program.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 3586 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3586, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Gould, Hemstad—2.

Excused: Senators Hayner, Jones, McDermott—3.

SENATE BILL NO. 3586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3231, by Senators Talley, Jones and Conner (by Board of Pilotage Commissioners request):

Authorizing the board of pilotage commissioners to prescribe additional pilot qualifications.

MOTIONS

On motion of Senator Bluechel, Senator Gould was excused.

On motion of Senator Patterson, Substitute Senate Bill No. 3231 was substituted for Senate Bill No. 3231 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the following amendment was adopted:

On page 1, line 15, after "years" insert "and under the age of ninety years"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3231 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3231, and the bill passed the Senate by the following vote: Yeas, 42, nays, 3; excused, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Moore, Talmadge, Vognild—3.

Excused: Senators Gould, Hayner, Jones, McDermott—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3231, 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 Clarke, Senate Bill No. 3600 will be considered during this evening's session.

SECOND READING

SENATE BILL NO. 3866, by Senators Hemstad and Lee:

Modifying the powers and duties of the state capitol historical association.

REPORT OF STANDING COMMITTEE

March 3, 1981.

SENATE BILL NO. 3866, modifying the powers and duties of the state capitol historical association (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 16, after "RCW 27.36.010" insert "or chapter 24.03 RCW"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Sellar.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendment was adopted.

On motion of Senator Williams, the following amendment was adopted:

On page 3, line 7, after celebrations" insert ": PROVIDED, That in the event a Washington centennial commission is created that commission shall be the primary agency for planning and conducting celebrations commemorating the centennial of Washington's admission to the union"

MOTIONS

On motion of Senator Bluechel, Senators Deccio and Scott were excused.

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 3866 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, on page 3, I see new material 'to engage in appropriate fund-raising activities for the purpose of increasing the self-support of the association.'

"At the present time, isn't that support state funded? Not the association itself, but as the State Capitol Museum?"

Senator Hemstad: "Senator Rasmussen, the historical association receives an appropriation through the state general fund. The problem has been, that it has been constrained from being able to raise money on its own to deal with the kinds of needs that the museum has. With the amendments here, it will be able to raise money in the community, to be able to carry on the kinds of activities that museums typically do.

"Again, this is a power that is available to the other museums in the state and this basically conforms to that."

Senator Rasmussen: "Senator, the last time I had any communication with them, they were going to open a furniture factory. Are they still planning on that?"

Senator Hemstad: "I can't speak to that because I do not know."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3866, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 1; excused, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, Metcalf, Moore, Patterson, Peterson, Quigg, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators McCaslin, Pullen, Rasmussen—3.

Absent or not voting: Senator Newhouse—1.

Excused: Senators Deccio, Gould, Hayner, Jones, McDermott, Scott—6.

ENGROSSED SENATE BILL NO. 3866, 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

At 12:38 p.m., on motion of Senator Clarke, the Senate recessed until 6:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 7:20 p.m.

SECOND READING

SENATE BILL NO. 3797, by Senators Gould, Bottiger, Guess, Hemstad, Hurley, Scott, Williams, Woody and Moore:

Modifying provisions relating to the management of joint operating agencies.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 3797 was substituted for Senate Bill No. 3797 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, the following amendments were considered and adopted simultaneously:

On page 2, line 24, strike "thermal" and insert "nuclear"

On page 3, line 6, strike "thermal" and insert "nuclear"

On page 4, line 31, strike "thermal" and insert "nuclear"

On page 5, line 13, strike "thermal" and insert "nuclear"

On motion of Senator Gould, the following amendments were adopted:

On page 2, line 30, strike "bond sales" and insert: "bids or offers for bonds and the sale and issuance of bonds: PROVIDED, That the board of directors may delegate this authority to the executive board"

On page 3, line 10, strike "two" and insert "four"

On page 3, line 11, after "directors.", insert:

"The board of directors may provide by rule for the composition of the executive board so as to afford fair representation which reflects the member public utility districts' and cities' participation in the joint operating agency's projects. The board of directors may also provide by rule for the removal of a member of the executive board."

Senator Gould moved adoption of the following amendment:

On page 3, after line 26, insert:

"(iv) Not be involved in any way in the financial affairs of the operating agency, including but not limited to as an investor, underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and"

Renumber subsequent subsection accordingly.

POINT OF INQUIRY

Senator Moore: "Senator Gould, I am still concerned that if we begin putting board members onto the WPPSS board, that then we become, we have some liability; and I do not know that anybody can give assurance that we are or are not becoming liable. But I do not want to put the state in that position and if you can discuss that a little bit, I would appreciate it. Thank you."

Senator Gould: "Yes, I would be glad to answer. I think perhaps it could be answered when we discuss the bill, but I would be glad to answer now."

"This was a question that we also raised and wanted to verify because it is a very important question. Mr. Bill Apple who testified before the inquiry committee and who also has given information to the energy committee, has stated, and he is a municipal bond counsel, has stated that it does not."

"We have been able to find no evidence that it does. Everyone that we have talked to says that it does not put a liability on the state. That is information that I can get."

The motion by Senator Gould carried and the amendment was adopted.

On motion of Senator Gould, the following amendments were adopted:

On page 5, line 23, after "executive", strike "committee" and insert "~~((committee))~~ board"

On page 5, line 26, after "by the", strike "committee" and insert "~~((committee))~~ executive board"

Senator McDermott moved adoption of the following amendment:

On page 7, after line 20, insert:

"NEW SECTION. Sec. 5. There is added to chapter 43.52 RCW a new section to read as follows:

The Washington Public Power Supply System shall impose a moratorium on the construction of Washington Nuclear Plants 4 and 5 between June 1, 1981 and June 1, 1983. By January 1, 1983, the House and Senate Standing Committees on Energy and Utilities or their successors shall review and make recommendations to the legislature regarding the costs and management of the Washington nuclear plants already operating or near completion."

POINT OF INQUIRY

Senator Goltz: "Senator Williams, along somewhat the same line as the question that was asked by Senator Moore, I am concerned about whether or not the legislature, mandating or imposing a moratorium upon the WPPSS system, would not, in fact, interfere with the management prerogatives and the board prerogatives of setting a sensible anticipation of revenue by this system. And if we are involved in the intervention here, of interrupting income, I wonder if we are not, then, so involved in the business of WPPSS that we, in fact, are the board of directors, and maybe I should ask, this is a legal question, to Senator Bottiger instead of you, but I will be glad to have anybody answer it who can."

Senator Williams: "If I might, just, and others certainly I would expect, might answer it.

"First, I am making the argument for an amendment that I did not draft. I might have drafted it differently. However, it is my opinion that the implications that you raised may go with the bill in its present form. . . ."

"The point that Senator Goltz raised, I believe the amendment, in my mind, is consistent with what I think may be the thrust of the bill itself, even without this amendment. I have some serious questions as to whether we are encumbering the full state obligation on the retirement of these bonds or the taking of the responsibility for these plants.

"It is a question that I hope to have some additional answers on soon; so in my mind, I am not that concerned, others may be about this amendment in regard to the issue that you raised."

POINT OF ORDER

Senator Gould: "Mr. President, I raise the question of scope and object, this is beyond the scope and object of the bill."

President Cherberg: "Senator Gould has raised the point of order that the proposed amendment expands the scope and object of the bill. Senator Gould."

Senator Gould: "Just to offer a comment on it, Mr. President, if I may. This bill is designed to strengthen the board of directors of the Washington Public Power Supply System and does not deal with the issue of the construction of the plants at all, and I would consider that this would be well beyond the object of the bill."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, if Senator Gould will permit me or the Senate will permit me, could I also respond to Senator Goltz' question?"

"You will notice on the green sheet calendar the Senate Bill 3972 which calls for a study sponsored by Senators Williams, Gould and McDermott. That, to me, is the right way to make the determination of the need for plants 4 and 5, to complete the study, make the report; and the report then goes back to WPPSS and if it is coupled with the new board of directors as the bill before us contemplates, it would seem to me that the pressure would be such, if the study says they are not needed, then this newly constituted board would put them in mothballs. If the study says they are needed, then the board would have justification to proceed.

"So rather than us on the Senate floor, subject to the concerns of Senator Goltz of becoming liable, this would be the proper way, I think, to do it."

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3797, as amended, together with the pending amendment by Senator McDermott and the Point of Order raised by Senator Gould, was ordered held for March 26, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3249, by Committee on Constitutions and Elections (originally sponsored by Senators Woody, Hayner and Bottiger):

Revising the Public Disclosure Law.

The Senate resumed consideration of Substitute Senate Bill No. 3249, as amended, from earlier today. An amendment by Senator Newhouse had been adopted at that time and an amendment by Senator Newhouse to page 20, beginning on line 10 had been moved for adoption. Following is the amendment by Senator Newhouse that had been adopted:

On page 18, strike all of lines 14, 15, and 16 and insert:

"(c) (~~The duration of his employment~~) What portion of reportable lobbying expenses will be paid by the employer either directly or through reimbursement;

(d) (~~His compensation for lobbying, how much he is to be paid for expenses, and what expenses are to be reimbursed; and~~) A"

MOTION FOR RECONSIDERATION

Having voted on the prevailing side on adoption of the amendment by Senator Newhouse to page 18, Senator Moore moved that the Senate do reconsider the vote by which that amendment was adopted earlier today.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on the motion for reconsideration by Senator Moore on adoption of the amendment by Senator Newhouse to page 18 earlier today.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hurley, Kiskaddon, Lee, Lysen, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Hughes, Jones, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Zimmerman—20.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

The President declared the question before the Senate to be adoption of the amendment by Senator Newhouse to page 18, on reconsideration.

Debate ensued.

The amendment by Senator Newhouse was not adopted, on reconsideration.

The Senate resumed consideration of the following amendment by Senator Newhouse that had been moved for adoption earlier today:

On page 20, beginning on line 10, strike all of section 11 through and including page 21, line 24, and insert the following:

"Sec. 11. Section 16, chapter 1, Laws of 1973 as last amended by section 4, chapter 313, laws of 1977 ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

(1) Persons who limit their lobbying activities to ((appearance)) appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter:

(4) Persons who restrict their lobbying activities to communicating their personal and private concerns to a legislator representing the legislative district wherein such person maintains a permanent residence;

(5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and those total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ((4)) (5) may at his option register and report under this chapter;

((5)) (6) The governor;

((6)) (7) The lieutenant governor;

((7)) (8) Except as provided by RCW 42.17.190(1), members of the legislature;

((8)) (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

((9)) (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended."

Debate ensued.

The motion by Senator Newhouse failed and the amendment was not adopted.

On motion of Senator Gould, the following amendments to the title were adopted:

On page 1, line 14 of the title, after "42.17.090;" insert "amending section 3, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.095;"

On page 2, line 2 of the title, after "42.17.410"; insert "and"

On page 2, line 4 of the title, after "42.17.392" strike all material down to and including "appropriation" on line 5

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 3249 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3249 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3249, 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 Clarke, Senate Bill No. 3600 was ordered held for consideration on March 26, 1981.

SECOND READING

SENATE BILL NO. 3343, by Senators Hurley, Quigg and Rasmussen: Modifying the interagency committee for outdoor recreation.

The bill was read the second time by sections.

On motion of Senator Fuller, the rules were suspended, Senate Bill No. 3343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3343, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Haley, Lee—2.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

SENATE BILL NO. 3343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3557, by Senators Peterson, Talley and Gallagher:
Requiring a salmon management plan.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3557 was substituted for Senate Bill No. 3557 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3557 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3557, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senator Conner—1.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

SUBSTITUTE SENATE BILL NO. 3557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4199, by Senators Craswell, Gallagher, Gould and Moore:

Establishing the Frances Haddon Morgan Children's Center as a state residential school.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

On page 1, after line 16, insert the following:

"Sec. 2. Section 1, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.010 are each amended to read as follows:

The legislature finds that political subdivisions in which state institutions are located incur a disproportionate share of the criminal justice and emergency service costs due to ((criminal)) the behavior of the residents and/or employees of such institutions. To redress ((this inequity)) these inequities, it shall be the policy of the state of Washington to reimburse political subdivisions which have incurred such costs.

Sec. 3. Section 2, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Political subdivisions" means counties, cities and towns.

(3) "Institution" means any state institution operated by the department for the confinement of ~~((adult offenders))~~ persons committed pursuant to chapters 10.64, 10.77, ~~((and))~~ 13.40, 71.06, or 72.33 RCW ~~((or juvenile offenders committed pursuant to chapter 13.40 RCW)).~~

(4) "Secretary" means the secretary of the department of social and health services.

Sec. 4. Section 3, chapter 108, Laws of 1979 ex. sess. and RCW 72.72.030 are each amended to read as follows:

There is hereby created, in the general fund, an institutional impact account which shall be administered by the secretary. The purpose of this fund is to reimburse political subdivisions for criminal justice and emergency service costs incurred directly as a result of ~~((crimes committed by offenders))~~ the behavior of persons residing in or an employee of an institution as defined herein. The secretary shall make such reimbursement to the extent funds are available. Reimbursements shall be limited to law enforcement, prosecutorial, judicial search and rescue, fire protection, and jail facilities costs which are documented to be strictly related to the ~~((criminal))~~ activities of the ~~((offender))~~ person."

POINT OF ORDER

Senator Craswell: "Thank you, Mr. President. I would like to ask that you look at this. I believe it is beyond the scope and object of the bill. The bill is strictly a placing of the name of Frances Haddon Morgan School in the statutes and I don't believe that this would apply."

MOTION

On motion of Senator Clarke, Senate Bill No. 4199, together with the amendment by Senator Bottiger and the Point of Order raised by Senator Craswell, was ordered held for further consideration on March 26, 1981.

SECOND READING

SENATE BILL NO. 3375, by Senators Patterson, Peterson, Sellar, Gallagher and Bauer (by Executive request):

Doubling the life of driver's licenses and adjusting fees and the apportionment thereof accordingly.

The bill was read the second time by sections.

Senator Ridder moved adoption of the following amendment:

On page 2, line 29, after "fund" insert "PROVIDED, That during the period July 1, 1981 through June 30, 1983 the sum of five dollars and ten cents shall be deposited in the highway safety fund, three dollars and eighty cents shall be deposited in the general fund, and five dollars and ten cents shall be deposited in the general fund and appropriated to the department of social and health services for the sole purpose of providing additional funds for the income maintenance program"

Debate ensued.

POINT OF ORDER

Senator Jones: "Mr. President, I would raise the point of scope and object. I think this is certainly, goes far beyond the object of the measure or the scope."

MOTION

On motion of Senator Clarke, Senate Bill No. 3375 together with the amendments by Senator Ridder and the Point of Order raised by Senator Jones, was ordered held for further consideration on March 26, 1981.

SECOND READING

SENATE BILL NO. 3893, by Senators Clarke and Wojahn (by Department of General Administration Division of Banking request):

Revising laws relating to banking.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment by Senator Pullen and others:

On page 6, line 24, add a new section as indicated below and renumber the remaining sections accordingly:

"NEW SECTION. Sec. 7. There is added to Title 30 RCW a new section to read as follows:

Upon making a deposit in a bank or trust company the depositor shall be given a receipt that shall include as a minimum the name of the bank or trust company, the date, the amount of the deposit, and, if the depositor so requests, the name of the account holder or his or her account number."

POINT OF ORDER

Senator Bottiger: "I would question the three-minute rule where; we are within the cutoff, approaching the cutoff resolutions; is the three-minute rule in effect now?"

RULING BY THE PRESIDENT

President Cherberg: "The President is unaware of any three-minute limitation, Senator Bottiger."

POINT OF ORDER

Senator Clarke: "Point of Order that the amendment is beyond the scope and object of the bill. I agree with substantially everything that Senator Pullen has said, and that this very well may be a most desirable piece of legislation but I call attention to the fact that this is a bill requested by the supervisor of banking to correct and bring up to date certain imperfections in the banking code; and to encumber it with any additional matter which is irrelevant, no matter how meritorious, is completely out of order.

"The bill should be by a separate bill and I am sure if Senator Pullen introduces such a bill, that with all of the cosigners he got on his amendment, that he would have no trouble at all getting such a bill passed."

MOTION

On motion of Senator Clarke, Senate Bill No. 3893, together with the amendment by Senator Pullen and the Point of Order raised by Senator Clarke, was ordered held for further consideration on March 26, 1981.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, the secretary Senator Pullen was alluding to is my secretary and I know now why my letters are not ready; she has been preparing Senator Pullen's speeches. And to answer a question he asked, 'If you can't trust your banker, who can you trust?', I would recommend your local realtor."

President Cherberg: "Was your point personal privilege, Senator McCaslin, or personal interest?"

Senator McCaslin: "If your house is up for sale, Mr. President, I would be happy to list it."

SECOND READING

SENATE BILL NO. 4022, by Senators Bluechel and Scott:

Providing for the transfer of the Saint Edward's Seminary to the parks and recreation commission.

The bill was read the second time by sections.

Senator Wojahn moved adoption of the following amendment:

On page 1, insert a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 43.51 RCW a new section to read as follows:

The commission may not operate the swimming pool at Saint Edward state park, but the commission may enter into a contract with one or more local governments for the operation of the pool: PROVIDED, That any such contract must require the local government or governments to pay for all renovation, maintenance, and operation costs associated with the pool."

Renumber the remaining section consecutively.

Senator Bluechel moved adoption of the following amendment to the amendment by Senator Wojahn:

On line 4 of the amendment, strike "Edward" and insert "Edwards" and beginning on line 6, after "pool" insert a period and strike the balance of the amendment.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Bluechel, isn't this what would happen?"

Senator Bluechel: "You are partially correct, Senator Wojahn; you are not entirely correct. The negotiations have not been finished with King county as to how much will be carried. The county will carry what they considered was their fair share of the cost. We have not concluded negotiations for the fact that there was no money to proceed with the filter and the dressing rooms and so the negotiations came to a halt until the pool was put in shape so that you had something to negotiate about.

"As I mentioned, one of the costs that is major in the pool is the cost of heat and it cannot be separated out under the common boiler system which goes to all buildings.

"And so that I say we have a viable pool; it is in first-class shape. It simply has to be made coeducational to work.

Senator Wojahn: "Would Senator Bluechel yield to another question?"

"It would seem to me that if we do not add this language, the total amendment right now, that we could then, under the contractual arrangement we entered into, could then be left with the cost of maintaining all of this. And I would suggest that we should not be paying for the heating of the pool or any of the buildings or building a facility for the men's and women's dressing rooms, that that is a local problem, because that does not lend itself to the definition of state parks, even with urban

assistance; I mean, an urban park with state assistance because the urban parks' bill would permit the state to purchase property, find property, assist with the purchase, but it does not anticipate building little league soccer facilities or maintaining pools.

"Wouldn't you, isn't it true that if we do not do this now, accept this amendment in total, that we could, then, be left with the cost of the maintenance over and above what could be generated locally, because of initiative 62?"

Senator Bluechel: "Senator Wojahn, right now we are maintaining everything. This is an attempt to get some of the maintenance off our back and put it where it belongs with the county or entity that operates it. Right now we have to pay for the heat, we have to pay for everything. This is the only way we are going to get out from under. This is the whole point of contracting it with King county and finishing the pool."

Further debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bluechel to the amendment by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 23; nays, 22; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senator Newhouse—1.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

The President declared the question before the Senate to be the amendment by Senator Wojahn as amended by Senator Bluechel.

POINT OF INQUIRY

Senator Wilson: "Senator Wojahn, simply in the interest of accuracy, is this installation presently known as 'Saint Edward's State Park,' or is it proposed to become a state park?"

Senator Wojahn: "I cannot answer that, I do not know what it is called. I call it 'Saint Edward's seminary' because that is what it used to be. Maybe Senator Hurley could answer that."

Senator Wilson: "If Senator Bluechel would yield."

Senator Bluechel: "Senator Wilson, this is known as 'Saint Edward's State Park.' It is already a state park."

There being no objection, an amendment to the amendment by Senator Wilson was withdrawn.

The motion by Senator Wojahn carried and the amendment, as amended, was adopted.

On motion of Senator Wojahn, the following amendment to the title was adopted:

On line 1 of the title, after "Seminary;" insert "adding a new section to chapter 43.51 RCW;"

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 4022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Bluechel, it is my understanding that any time property is to be sold by the state of Washington that it must be placed under the aegis of the general administration. They are the one agency of state government that can sell property.

"Now, is that your understanding also?"

Senator Bluechel: "I believe parks can sell property, DNR can sell property, and other agencies of state government can sell property."

Senator Wojahn: "If they have buildings on them?"

Senator Bluechel: "I believe so. They can also exchange property."

Senator Wojahn: "I do not think so, I think it has to be done by general administration at state level, the same as the Federal level; but I won't argue that but I believe, and for the journal, I believe that they are the only one that can sell it; if we turn it over to the parks, in my opinion, then we are going to end up with a property that we cannot sell; it will have to go back to GA to be sold in case we cannot fund it."

POINT OF INQUIRY

Senator Hurley: "Senator Bluechel, do you know how much this will cost state parks to operate and maintain the Saint Edward's State Park?"

Senator Bluechel: "I cannot give you that answer because I do not think it has been figured out. It will be in any budget for parks; in any budget for parks it will have to take its own level with whatever priority it may attain; and until we pass a budget for parks, we won't know what the cost will be, and to my knowledge that budget has not yet been written.

"In parks, as you know, there are 'wish lists', there are practical lists and in today's world, in today's revenue constraint, I would say that no one and no park is going to get everything they ask for; and it may be three or four years, or ten years, before all of the entities at any particular park are fully funded.

"I do not think that is the issue in the bill. The issue in the bill here is just to make it simple to operate it instead of operating it with a contract to operate it directly."

Senator Hurley: "No, Senator Bluechel, I knew that was not an issue in the bill, but I am sure it will be an issue with state parks, because the maintenance and operation will subtract some other parks, the maintenance and operation of other necessary parks, unless you make sure that an additional amount is in the budget to provide for this certain instance.

"Now I am certainly not against the beautiful, beautiful park that Saint Edward's is, because I have been there and I have seen it and I think it is a wonderful addition to our urban parks, which we need. But I do hope that you will make sure that that amount is in the budget so that it won't detract from other operations of state parks."

Senator Bluechel: "Senator Hurley, it would be my hope that enough money would be put in the budget to enable King county or any other entity, to operate the pools and to take the maintenance cost as far as possible, off the state, because the state has to maintain them right now to keep them from deteriorating."

POINT OF INQUIRY

Senator Hurley: "Senator Wojahn, do you have the answer to my question about the maintenance and operation costs?"

Senator Wojahn: "I have before me the budget request for the capital budget for the year 1981-83 biennium. The total project cost will be \$1,045,200 and the operating cost will be \$252,369."

Senator Hurley: "Yes, \$253,000. Now I know that parks and rec have been, have reduced, have had their funds reduced, I mean, for the operation in the next budget; and I do hope that this will be added to what their budget is so that it won't be cut further."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4022, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, Wilson, Woody, Zimmerman—30.

Voting nay: Senators Bottiger, Conner, Fleming, Gaspard, Hansen, Hughes, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wojahn—16.

Excused: Senators Deccio, McDermott, von Reichbauer—3.

ENGROSSED SENATE BILL NO. 4022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3025, by Senators Williams, Guess, Bauer, Zimmerman, Hemstad, Charnley, Moore and Fuller (by Committee on Ecology request):

Modifying taxation of historic properties.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3025 was substituted for Senate Bill No. 3025 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 3025 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Williams, you said this is a local control bill and by that do you mean that it is entirely optional with local jurisdictions as to whether they participate in this program or not?"

Senator Williams: "Yes."

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, it indicates here in the digest that a local review board or where none exists, the state review board is to approve on any applications for tax benefits and then if other states, if the application is not denied within sixty days, they are considered approved.

"How do you correlate that with the fact that you say it is local control? State review board is going to determine whether or not they get the tax exemption."

Senator Williams: "Senator, let me explain that. There is a state review board only in certain instances, that is, in those areas where local boards or local governments choose not to have such a mechanism for granting a tax freeze.

"In those cases where there are properties listed in the national register, and there are only some 381 of those properties, plus some districts in this state. Only in those cases, in order to offer this incentive to all properties on an equal basis, only national registered properties in those areas where local government does not choose to use this mechanism, is there then an appeal to a state review board. And in those instances then, the state review board may grant the freeze."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3025, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Pullen, Ridder, Sellar, Talley, Talmadge, Williams, Wilson, Wojahn, Woody, Zimmerman—30.

Voting nay: Senators Benitz, Clarke, Craswell, Gallagher, Goltz, Guess, Hayner, Jones, McCaslin, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Shinpoch, Vognild—17.

Excused: Senators Deccio, von Reichbauer—2.

SUBSTITUTE SENATE BILL NO. 3025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3026, by Senators Williams, Hurley and Fuller (by Committee on Ecology request):

Establishing a program for local historic preservation planners.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3026 was substituted for Senate Bill No. 3026 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 3026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3026, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Peterson, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Benitz, Clarke, Craswell, Gallagher, Guess, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen—13.

Excused: Senators Deccio, von Reichbauer—2.

SUBSTITUTE SENATE BILL NO. 3026, having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3030, by Senators Williams, Goltz, Charnley, Hughes and Moore (by Committee on Ecology request — 46th Legislature):

Encouraging the development of traditional skills needed in the restoration of older buildings.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3030 was substituted or Senate Bill No. 3030 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 3030 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3030, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Pullen, Ridder, Scott, Shimpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Clarke, Craswell, Gallagher, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Rasmussen, Sellar, Zimmerman—16.

Absent or not voting: Senator Lee—1.

Excused: Senators Deccio, von Reichbauer—2.

SUBSTITUTE SENATE BILL NO. 3030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3031, by Senators Williams, Ridder, Goltz, Hemstad, Guess, Fuller and Moore (by Committee on Ecology request):

Establishing a Washington centennial commission.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3031 was substituted for Senate Bill No. 3031 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the following amendments by Senators Wilson and Williams were considered and adopted simultaneously:

On page 1, after line 7, strike all material down through "years" on page 2, line 8, and insert:

"(a) A person selected by the Washington trust for historic preservation;

(b) A person selected by the Eastern Washington state historical society;

- (c) A person selected by the state capitol historical society;
 - (d) A person selected by the Washington state historical society;
 - (e) Two members of the house of representatives appointed by the speaker of the house, one from each political party;
 - (f) Two members of the senate appointed by the president of the senate, one from each political party;
 - (g) Seven citizens of the state, appointed by the governor, including a person from a minority culture to represent the state's minority communities and at least one person to represent small towns and rural areas.
- (2) The chairperson of the commission shall be appointed by the governor from among the citizen members.

(3) The terms of office of members of the commission shall be:

- (a) The citizen members appointed pursuant to subsection (1)(g) of this section shall be appointed to four year terms. In making the initial appointments to the commission the governor shall appoint one citizen to a term of one year, two citizens to terms of two years each, two citizens to terms of three years each, and two citizens to terms of four years each."

On page 2, line 12, beginning with "(c)" strike all the material down through "appointed" on line 14.

On motion of Senator Wilson, the following amendment by Senators Wilson and Williams was adopted:

On page 2, line 25 after "history" insert "and to the maximum feasible extent shall be designed to encourage and support participation in the centennial by all interested communities in the state"

Senator Williams moved adoption of the following amendment by Senators Williams and Hemstad:

On page 3, following line 17, add a new section to read as follows:

"NEW SECTION. Sec. 6. There is hereby appropriated from the general fund to the commission for the period ending June 30, 1983 twenty-five thousand dollars, or so much as may be necessary to carryout this act."

Renumber the remaining sections accordingly.

Debate ensued.

The motion by Senator Williams carried and the amendment was adopted on a rising vote.

On motion of Senator Williams, the following amendment by Senators Williams and Hemstad to the title was adopted:

On page 1, line 2 of the title, after "RCW;" insert "making an appropriation;"

On motion of Senator Fuller, the rules were suspended, Engrossed Substitute Senate Bill No. 3031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Williams, the \$25,000 dollar appropriation that we just added to the bill for staffing the planning of the centennial, do you have any idea what kind of a staff we are talking about?"

Senator Williams: "This was my assumption that we did put a \$25,000 dollar appropriation on it; now my assumption is that the commission would determine that they would need at least one person to take care of their staffing situation and whatever.

"I assume there will be some state agencies that may cooperate on this, perhaps provide some office space and that sort of thing. However, I also presume that if the commission chose not to hire somebody, they could use this in some other way."

Senator Patterson: "Further, Senator Williams, we are making a commitment in this bill for general obligation bonds against the credit of the state of Washington.

Do you have any idea what this commission might come up with and the magnitude of the bond issue that we are endorsing through this legislation?"

Senator Williams: "I think approximately, first of all, I would not presume to tell them how much it should be; however, some two years or so ago, there was a bond proposal brought to this legislature which incorporated both historic preservation and cultural facilities, and I think that was, at that time, was in the neighborhood of \$40,000,000 dollars."

Senator Patterson: "Forty million dollars."

Senator Williams: "Right."

Senator Patterson: "Is that what you are suggesting that we, through this legislation, are endorsing the possible issuance of a bond issue to the magnitude of \$40,000,000 dollars to carry on this program?"

Senator Williams: "I think we are asking a commission to make that judgment; in other words, we are not saying that we are endorsing it in a sense that we are approving it; we are asking them and directing them to come up with a method, and we have suggested that method in the bill."

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, did your mother ever tell you that story about what happened when the camel got his nose under the tent?"

Senator Goltz: "I believe someone told me that story at one time."

Senator Rasmussen: "I would say, Senator Goltz, that the camel is getting his nose under the tent if we go for this bill tonight, even as late as it is."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3031, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Peterson, Ridder, Scott, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Benitz, Clarke, Craswell, Fuller, Gallagher, Guess, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch—14.

Absent or not voting: Senator Hughes—1.

Excused: Senators Deccio, von Reichbauer—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3031, 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

At 9:46 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Thursday, March 26, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 26, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:54 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Karen O'Malley and Laura McLatchy, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

MOTION

Senator Jones: "Mr. President, I move that from now until cutoff of consideration of Senate bills on April 2, that comments on the floor by members be limited to three minutes per issue or amendment, except that the prime sponsor or mover of an amendment, may both open and close debate.

"I also move that members be prohibited from yielding their time to another Senator.

"It is our hope, and my hope, of course, that this will greatly expedite the consideration of Senate bills as we near the cutoff."

POINT OF INQUIRY

Senator Rasmussen: "Senator Jones, matter of clarification. Three minutes is an awful long time to talk, we do not have to talk that long, do we?"

Senator Jones: "I never knew that you were aware of the length of three minutes, Senator Rasmussen."

Senator Rasmussen: "My question was, the mover of the motion, is he allowed three minutes at the front and three minutes at the back for closing, or is there no limit on the mover of a motion?"

Senator Jones: "I believe it is specific in its three minutes to move and three minutes to close, Senator Rasmussen. I think this . . . further comment? . . . This follows the pattern of the past when I can remember Senator Bailey and the others rising to attempt to expedite the business of the Senate, and I think this motion is drawn from exactly that kind of a concept."

POINT OF INQUIRY

Senator Metcalf: "Senator Jones, does this include the response of say, a series of questions to one member on a bill? Would this include questions from members in the three minutes?"

Senator Jones: "No, that is a different matter. Let us hope we could have questions though, rather than statements."

Senator Metcalf: "Thank you very much . . . expeditious manner."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate. I would concur with Senator Jones and support the proposal to expedite the business. I think, technically, it is a rule change and our side will attempt to abide by it today, and tomorrow we adopt it formally as a rule, might be the exact procedure; otherwise the question of suspension would be there.

"But I think our side will support it today and I would suggest tomorrow you make it a formal rule change."

POINT OF INFORMATION

President Cherberg: "Senator Jones, may the President direct a question? Would you like to clarify whether a member may speak more than once on an issue, other than the prime sponsor?"

Senator Jones: "No, no I think once . . ."

President Cherberg: "In other words, if a member speaks a minute-and-a-half, that is it?"

Senator Jones: "Three minutes."

President Cherberg: "One time."

Senator Jones: "One time."

PARLIAMENTARY INQUIRY

Senator Hayner: "Mr. President, I have a point of parliamentary inquiry.

"Are Senate Bill 3464 and Senate Bill 3328 on the consent calendar?"

REPLY BY THE PRESIDENT

President Cherberg: "No, the bills are not on the consent calendar, Senator Hayner."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I thank Mrs. Hayner for her concession and agree that there probably should be some written policy. The rules committee, when it met, had a list before it and I think formerly that motion carried in the rules committee and that was the consent calendar.

"And I agree that the moving by the majority leader on and off after that rules committee, is not the proper way to do it and I think that has been acknowledged and we appreciate that and would support the motion as stated."

REMARKS BY SENATOR CLARKE

Senator Clarke: "By way of clarification and if I do not understand, Senator Hayner can correct me, but it is my understanding that when a bill is on the consent calendar and comes before the body for consideration, that while it is the general consensus that if amendments are the type of substantive debate ensues, that when the motion will be made to place the bill at the bottom of the yellow calendar; but in each instance that will be up to the body to make a determination as to whether or not, in reality, the debate is or is not made merely for the purpose of delaying the bill or whether it is a really germane type of objection.

"I think we have to, in effect, leave it up to the body in each instance to make a determination once a bill is before the body for consideration as to whether it should go off the consent calendar and to the yellow calendar."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Well, Senator Clarke, that is a change of policy. In the past, a bill on the consent calendar could be dropped to the bottom at the request of, and I believe in the past, it has been two members. We never really have pouted if there was an objection to a bill that went to the bottom on the consent calendar, the idea being that we could run through the agreed-to bills very rapidly, and then go to the contested bills.

"Now in our caucus we have a list of bills from the consent calendar that had, in some cases, substantial objection and one case I believe only one member; if he finds a joiner that bill would be submitted to you as being . . . and that would go to the bottom of the consent calendar. Now if we are going to vote individually on each one, on a motion to put at the bottom, that is a change of policy from the past, as I know it."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Well, in response to that, if you were talking about the original making up of the consent calendar and how they get on there and how they don't get on there, that is one thing. But my observation is that once a bill which is on the consent calendar is before the body for consideration and debate starts to ensue, that then it is entirely a matter for the body itself to determine as to whether or not that bill should continue to be considered or whether it should be placed on the bottom of the yellow calendar."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, members of the Senate. Senator Clarke, my understanding of past practices has been somewhat a little different than that. When we had our consent calendar and if a measure came before the body on that consent calendar, amendments and what have you, debate was quite in order. If it was quite a controversy but was not necessarily a consent, but you know, not a major amendment of another bill being amended onto it, then that bill would some time be sent to the bottom of the consent calendar. If it was evident that the bill was being amended by a major amendment, another bill, then it would be determined by the body that that would go to the yellow calendar; but just because a little debate arose on a bill, it did not go all the way to the yellow calendar, but it went down to the bottom of the pink calendar. That is my understanding.

"Secondly, I think what we also have to do in all fairness on both sides of the aisle, we are going to have to do a little better job on the consent calendar, because some of these bills are not consent."

REMARKS BY SENATOR CLARKE

"Senator Clarke: "Well, Mr. President, the point I was making is simply that it is almost impossible to adopt an all-comprehensive rule as to when, if a bill is up for consideration and if consideration actually is started by the body on the pink calendar as to when the consideration should be stopped and should be placed on the yellow calendar.

"My point simply is that that is a matter that is up for the body to determine in each individual instance."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Fleming still has the floor."

Senator Fleming: "Senator Clarke, I guess my point is that we ought to try to have some rule of consistency so we'll know exactly what we are doing."

REMARKS BY THE PRESIDENT

President Cherberg: "First, the President would like to put the motion about the three-minute rule. As many as are in favor of Senator . . ."

Senator McDermott: "I object."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, what I was going to suggest was that our leaders get together and then bring a message back to the caucus so that the leaders on each side have an understanding of what we are supposed to be working at, instead of washing out linen out here on the floor when we should be passing bills; and then we could caucus and we will come back with a clear understanding what each side wants to do. Thank you."

REMARKS BY THE PRESIDENT

President Cherberg: "The President wishes to advise that once a measure is before the Senate, whether it is on the pink calendar or the yellow calendar, the Senate may, in its wisdom, dispose of it in any manner a majority chooses. Senator McDermott."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, that was entirely my point. What we are having here is kind of ad hoc rulemaking. None of what has been said in the last fifteen minutes will appear in the journal; there will be no way to go back and say 'Well, what I remember you saying was that if we did this, that would happen.' The Senate adopted a set of rules; we also use Reed's rules when they are applicable; and the fact is, we violated the rules on the thirteenth of February, and we have continued to do ad hoc rulemaking since that point. We still have two elected president pro tems in the Senate and those kinds of issues have never been resolved. You cannot ad hoc, make rules like this and have an orderly procedure, and you have five people standing up here interpreting what a consent calendar is. There is no such entity as a consent calendar. It is not in Reed's; it is not in the Senate rules so if you want to do this, I think you ought to sit down and write a rule, give a day's notice and proceed with it."

Senate Bill No. 3390 was rereferred to the Committee on Rules.

Senate Bill No. 3464 and Senate Bill No. 3328 were placed on the Consent Calendar for today.

The motion by Senator Jones carried and the three-minute rule will be imposed.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Cindy of the Daffodil Festival Court and appointed Senators Gaspard, Haley, Gallagher, von Reichbauer and Wojahn to escort the honored guest to the Senate Chamber.

The President turned the gavel over to Senator Gaspard who introduced the Queen.

With permission of the Senate, business was suspended to permit Queen Cindy to address the Senate.

The honored guest was escorted from the Senate Chamber and the Committee was discharged.

MOTION

At 11:25 a.m., on motion of Senator Fleming, the Senate recessed until 11:53 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:53 a.m.

REPORTS OF STANDING COMMITTEES

March 24, 1981.

SENATE BILL NO. 3397, requiring notice by mail to owners of property affected by zoning ordinance amendments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Bauer, Fuller, Lee, Talley, Wilson.

Referred to Committee on Ways and Means.

March 23, 1981.

SENATE BILL NO. 3502, implementing law relating to publication of rate impacts due to obligations of joint operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3502 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hemstad, Moore, Quigg, Williams.

MINORITY recommendation: Do not pass.

Signed by: Senators Fuller, Newhouse.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3515, requiring informed consent prior to abortion procedures (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

March 23, 1981.

SENATE BILL NO. 3554, implementing law by providing means to finance local economic and employment development (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3554 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3565, modifying requirements for harbor area leases (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3567, fixing the rate of increase for harbor area rental fees (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3591, permitting counties to establish local improvement districts for water, sewer, and/or drainage (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3592, permitting interest payments on county revenue bonds during construction of facilities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3593, permitting counties to have sewer, water, or drainage facilities constructed by private developers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3594, modifying provisions for collection of LID assessments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3698, relating to transportation financing (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3698 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Sam C. Guess.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3739, clarifying existing law on county sewer, water, and drainage facilities (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3739 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3824, authorizing adjacent land owners to own accretion caused by the volcanic eruption (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3824 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3849, making the transportation commission an advisory body (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Conner, Gallagher, Kiskaddon, Lysen, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3884, changing the mountain sheep tag fee (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3920, permitting local ordinances against discrimination not in conflict with state law (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3932, prorating election costs to the state when state officers or measures are on the ballot (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Conner, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3945, relating to the establishment of an Oregon-Washington bi-state Columbia River Gorge compact (reported by Committee on Natural Resources):

MAJORITY Recommendation: That Substitute Senate Bill No. 3945 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Lysen, Patterson, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4064, providing for annexation of "island" within sewer and water districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4163, relating to fruit and vineyard state land leases (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 4163 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Peterson, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4174, relating to recreation (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 4174 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Haley, Williams, Zimmerman.

Referred to Committee on Ways and Means.

March 23, 1981.

SENATE BILL NO. 4208, modifying the governor's powers during energy shortages (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 20, 1981.

HOUSE BILL NO. 198, providing for voter approval for extending irrigation to portions of irrigation districts (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 23, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, authorizing new community college district which will encompass Edmonds Community College (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

March 25, 1981.

SAMUEL E. KELLY, to the position of Trustee of the Shoreline Community College, appointed by the Governor on January 26, 1981 for the term ending September 30, 1984, succeeding Nancy S. Rust (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

March 25, 1981.

ARTHUR SIEGAL, to the position of Trustee of the Seattle Community College, appointed by the Governor on January 23, 1981 for the term ending September 30, 1985, succeeding himself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

March 25, 1981.

DIANE N. MUNGER, to the position of Trustee of the Spokane Community College, appointed by the Governor on January 27, 1981 for the term ending September 30, 1985, succeeding Dorothy M. Knechtel (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

March 25, 1981.

RICHARD OLIVAS, to the position of Trustee of the Yakima Valley Community College, appointed by the Governor on February 2, 1981 for the term ending September 30, 1985, succeeding Dr. James E. Brooks (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

March 25, 1981.

NORMAN L. WINN, to the position of Member of the Forest Practices Appeals Board, appointed by the Governor on March 11, 1981 for the term ending January 1, 1987, succeeding Axel Julin (reported by Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, von Reichbauer, Zimmerman.

Passed to Committee on Rules.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, do you still have a motion before the Senate? I guess I am raising a point of parliamentary inquiry."

REPLY BY THE PRESIDENT

President Cherberg: "Are you referring to the motion by Senator Hayner to take certain bills off and on the calendar?"

Senator McDermott: "Yes, the whole . . . that is disposed of?"

President Cherberg: "Yes, sir."

PERSONAL PRIVILEGE

Senator Fuller: "Mr. President, I rise to a point of personal privilege.

"Several days ago when I first spoke on the floor, majority leader Jones pointed out to me, for having the temerity to use the microphone in this body, you had to pay a price. The price is something comestible, provided for the members. I asked him to name his caloric poison and he failed to do so. I left it to my wife's good judgment; she went to a bake shop operated by Fuller Market Basket, Incorporated in the town of Chehalis, and there selected various comestibles which were provided for your enjoyment this morning.

"I hope that you enjoyed a sweet, union-produced product. Thank you."

PERSONAL PRIVILEGE

Senator Vognild: "Mr. President, I, too, rise for a point of personal privilege.

"Referring to the last speech on the floor, in 1979 I went approximately 62 days on the floor without speaking; and apparently held the modern-day record. This year, a Senator went 72 days without speaking; I presume that was what caused the three-minute rule today. I am going to formally concede that he now has the modern-day record and I will ask him if he will please start now to strive for a new record."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, I want you to know that Senator Vognild got those lines from me, not that I deny his natural talent. I, too, am indebted to this Senator Jones, would you put down the phone when I'm speaking?—I, too, am indebted to this body and I appreciate Senator Fuller and Mrs. Fuller providing us with the doughnuts and the cookies, and now I am obligated to ask this which they would prefer, Roloids or Tums?"

REMARKS BY THE PRESIDENT

President Cherberg: "With the permission of the body, the President regretfully announces that neither of the three have the record. Former Senator John Cooney went the entire session without speaking."

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

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 27, 1981.

SECOND READING

SENATE BILL NO. 3600, by Senator Guess:

Protecting proprietary information.

The Senate resumed consideration of Senate Bill No. 3600. On March 20, 1981, the following amendment had been moved for adoption by Senator McDermott:

On page 1, following line 16, insert "This section does not apply to plans, specifications and proposals for nuclear power plants or ferries."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Guess, my initial reading of this bill was that you were trying to protect proprietary information which was given to the state of Washington

under a request for a proposal and that the proprietary information was to be protected only during the time that the proposal was under consideration for purchase by the state.

"The question is: does the deal go beyond that and protect this information after the state has purchased the item under consideration."

Senator Guess: "Senator, the patented, and the review of the computer in this case, the computer was furnished according to the bid proposal. The only thing that is necessary, other than the schematics which are given, is that the department is furnished an operation manual. At the completion of the contract, the department will be furnished the manual on the computer, the wiring diagrams and the entire thing.

"In the meantime they will have had the design copy-righted, but this is in the preliminary stages so after the final job when the copyright has been put on the computer, then it will be available to anybody to have."

POINT OF INQUIRY

Senator McDermott: "Senator Metcalf, well, I know you have read the bill. Who is it that makes the decision about the release of information?"

Senator Metcalf: "For the purposes of this section, a state agency may agree to maintain the confidentiality of proprietary information . . . whenever it determines, we are talking about the state agency, it has to determine that it would result in a gain to a third party. That's what the bill says."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—22.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer—27.

Senator Lysen moved adoption of the following amendment:

On page 1, line 22, after "owner" insert: ": PROVIDED, That once the state has executed a contract with any party for the acquisition of real or personal property, all documents relating to the plans, specifications, proposals, and all other documents associated with the contract shall be the property of the state"

Debate ensued.

The motion by Senator Lysen carried and the amendment was adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 3600 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Well, I would like to ask Senator Hemstad, the remarks he made, I would like to get them in the record, if they are accurate and I assume they are, that they would be helpful in getting the information I have been after.

"What I would like to ask you, Senator Hemstad, in the legislative history on my amendment, if this bill passes, will that make these records available, which I have been trying to get now for three years?"

Senator Hemstad: "Senator Lysen, I cannot answer your question directly. All I can respond by saying that this becomes the property of the state of Washington in under whatever laws of the state of Washington then apply, they may or may not be available. I cannot speak to every section of the RCW as to the accessibility of these records.

"What your amendment does is make them the property of the state and then public to whatever the Revised Code of Washington will permit."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3600, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—25.

ENGROSSED SENATE BILL NO. 3600, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute Senate Bill No. 3797 for the purpose of receiving a Ruling by the President on a Point of Order raised by Senator Gould on March 24, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3797, by Committee on Energy and Utilities (originally sponsored by Senators Gould, Bottiger, Guess, Hemstad, Hurley, Scott, Williams, Woody and Moore):

Modifying provisions relating to the management of joint operating agencies.

The Senate resumed consideration of Substitute Senate Bill No. 3797. On March 24, 1981, an amendment by Senator McDermott had been moved for adoption. Senator Gould raised a Point of Order on the amendment by Senator McDermott.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Gould, the President finds that Substitute Senate Bill No. 3797 is a measure which establishes an executive board to manage the affairs of the Washington Public Power Supply System.

"The amendment proposed by Senator McDermott directs the Washington Public Power Supply System to impose a moratorium on the construction of certain nuclear power plants between June 1, 1981 and June 1, 1983.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator McDermott was ruled out of order.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3375 for the purpose of receiving a Ruling by the President on a Point of Order raised by Senator Jones on March 25, 1981.

SECOND READING

SENATE BILL NO. 3375, by Senators Patterson, Peterson, Sellar, Gallagher and Bauer (by Executive request):

Doubling the life of driver's licenses and adjusting fees and the apportionment thereof accordingly.

The Senate resumed consideration of Senate Bill No. 3375. On March 25, 1981 Senator Ridder moved adoption of an amendment. Senator Jones raised a Point of Order on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Jones, the President finds that Senate Bill No. 3375 is a measure adjusting driver licensing fees and the allocation of those fees to the Highway Safety Fund and the General Fund.

"The amendment proposed by Senator Ridder also deals with the allocation of those fees to the Highway Safety Fund and the General Fund.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment by Senator Ridder was ruled to be in order.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4199 for the purpose of receiving a Ruling by the President on a Point of Order raised by Senator Craswell on March 25, 1981.

SECOND READING

SENATE BILL NO. 4199, by Senators Craswell, Gallagher, Gould and Moore:

Establishing the Frances Haddon Morgan Children's Center as a state residential school.

The Senate resumed consideration of Senate Bill No. 4199. On March 25, 1981, Senator Bottiger moved adoption of an amendment to page 1, line 16. Senator Craswell raised a Point of Order on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Craswell, the President finds that Senate Bill No. 4199 is a measure which simply adds the name of The Frances Haddon Morgan's Children Center to the statutory list of state schools.

"The amendment proposed by Senator Bottiger, however, deals with the subject of the reimbursement of local governments by the state for costs arising from the criminal behavior of residents and employees of state institutions located in their area.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken.

The amendment by Senator Bottiger was ruled out of order.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3893 for the purpose of receiving a Ruling by the President on a Point of Order raised by Senator Clarke on March 25, 1981.

SECOND READING

SENATE BILL NO. 3893, by Senators Clarke and Wojahn (by Department of General Administration Division of Banking request):

Revising laws relating to banking.

The Senate resumed consideration of Senate Bill No. 3893. On March 25, 1981, Senator Pullen moved adoption of an amendment by Senator Pullen and others. Senator Clarke raised a Point of Order on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Senate Bill No. 3893 is a measure which allows for the formation of multi-bank holding companies.

"The amendment proposed by Senator Pullen, however, deals with banking procedures by specifying what information must be included in a bank deposit receipt.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator Pullen and others was ruled out of order.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Zimmerman served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 3600 failed to pass the Senate today.

MOTION

At 12:58 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Friday, March 27, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 27, 1981.

The President called the Senate to order at 10:30 a.m. The President declared the Senate to be at ease. At 10:50 a.m., the President called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Kelly Cook and Leif Orvald, presented the Colors. Reverend Michael Grimshaw, senior pastor of the First Church of the Nazarene of Bremerton, offered the prayer.

MOTION

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

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber today of the Centralia High School football and basketball teams and appointed Senators Fuller, Patterson, Craswell, Goltz, Wojahn, Kiskaddon and Gaspard as a committee of honor to escort the guests to the Senate rostrum.

With permission of the Senate, business was suspended to allow Senator Fuller to read Senate Resolution 1981—35 in full. The President turned the gavel over to Senator Fuller to introduce the coaches and the teams who each were Washington State Class AA Champions in both sports.

Mary Wiley, who is Secretary to the President was also introduced as President of the Centralia School Board.

On motion of Senator Fuller, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—35

By Senator W. H. (Bill) Fuller:

WHEREAS, The ultimate goal of high school athletes and coaches in the state of Washington is to obtain the coveted title of state champion in their particular fields of athletic endeavor; and

WHEREAS, Long hours of dedicated, disciplined effort are a necessary part of the creation of a state championship team; and

WHEREAS, Given the highly competitive nature of Washington state high school athletics in all four classifications, it is a considerable accomplishment for one school to earn the title of state champion in the most competitive and widely contested high school sports, football and basketball; and

WHEREAS, During the course of the 1980-81 school year, the Centralia High School "Tigers" have earned the title of Washington state Class AA champion in the sports of football and basketball;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the members of the Centralia High School football team and their coach, George Potter; the members of the Centralia High School basketball team and their coach, Ron Brown;

as well as all assistant coaches, administrators, parents and students who contributed to these successes, be recognized and congratulated for their extraordinary accomplishments; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit suitable copies of this resolution to Principal Bill Brumsickle, Coaches George Potter and Ron Brown and each of their assistants, members of the Centralia Board of Education, and to each member of the 1980-81 Class AA State High School Football and Basketball Championship Teams.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTIONS

On motion of Senator Fleming, all members were permitted as sponsors to Senate Resolution 1981-41.

On motion of Senator Fleming, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981-41

By Senators Fleming, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, A nightmare has befallen Atlanta; a nightmare that has robbed her of many children and spread grief throughout the City of Atlanta, and throughout America; and

WHEREAS, Great tragedies as this can divide people or unite people, unite them with the reminder that all people everywhere dream similar dreams, harbor similar fears, and suffer similar agonies; and

WHEREAS, The people of Atlanta have chosen to remain united in the face of this calamity; and

WHEREAS, It is fitting and proper that Washingtonians mourn the deaths of Atlanta's children, and honor Atlanta and Georgia for the patience and unity shown during this crisis;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session this 27th day of March, 1981, That on this day, we, the members of the Senate, pause to reflect upon our grief for the families of the children, and pray for the safety of the children whose fate is as yet unknown; and

BE IT FURTHER RESOLVED, That we convey to the people of Atlanta the agony we share with them, convey also our praise of them for the patience and unity they have displayed to the world, and convey our thoughts for the safety of all Atlanta's children; and

BE IT FURTHER RESOLVED, That the United States Government be given our thanks for their assistance to Atlanta during these trying months; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send a copy of this Resolution to the Mayor of Atlanta, and the President of the Georgia State Senate and the Speaker of the Georgia House of Representatives.

The Senate observed a moment of silence in memory of the people of Atlanta, Georgia.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 25, 1981.

SENATE BILL NO. 3023, setting the business and occupation tax on beans, lentils and triticale (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Haley, Hayner, Jones, Lee, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3147, creating an office of early intervention services (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3147 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3277, providing for an inventory and energy efficiency and safety audit of existing school facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3277 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Moore, Newhouse, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3321, allowing supervisors to become or remain members of a public employees' union (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3341, revising fireworks laws (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognil.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3370, providing for the rights of infants (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3405, establishing fact-finding procedures under the Educational Employment Relations Act (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3406, revising procedures for selecting the arbitration panel under the Public Employees Collective Bargaining Act (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3407, revising law on private sector contracts (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

MINORITY recommendation: Do not pass.

Signed by: Senators Vognild, Williams.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3442, creating a shellfish enforcement and enhancement fund (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3442 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallaghan, Chairman; Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3612, establishing a state park campsite reservation and information system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Fleming, Gaspard, Hayner, Jones, Lee, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3635, establishing a Washington state scholars program (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3640, granting the attorney general authority to investigate and prosecute crimes of public corruption (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3640 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

MINORITY recommendation: Do not pass.

Signed by: Senators Hughes, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Point of parliamentary inquiry, Mr. President.

"Mr. President, with respect to rule 47 and rule 48 of the Senate rules, should there not be a public hearing on a bill, on a particular title number to a Senate Bill, can that Senate bill be read into second reading, be read into the records?"

"Mr. President, could I speak to my Point of Order, in specifics?"

"Mr. President and members of the Senate. I think Senate Bill 3395 relating to the jurisdiction of the state human rights commission, passed the Senate judiciary committee with a majority report and a minority report. However, somehow in the process, that Senate Bill 3395 was not used and a new number and a new title was used, Senate Bill 3704.

"Now I realize that members can go off the floor of the Senate and hold a hearing and dispense with the public notice requirements of rule 47 if that is the wish of the members of the committee. But there was no hearing on this particular number and I guess we are just a bit concerned about what the difference between Senate Bill 3704 and Senate Bill 3395 might be.

"I don't want to raise a Point of Order but I do want to raise a point of parliamentary inquiry, because I am a little bit concerned about this process."

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Mr. President, I want to ask Senator Clarke a question on your particular point that you made. I guess I am wondering on the bill that came out of the committee which was 3395 or whatever the number is, was that substitute bill the bill that was voted out of committee and then subsequent to that action after the committee had done their business and realized, the staff realized there might be a problem with the title, did they then put that subject matter on to 3401 and then put it before us today?"

"If that is the case then 3401 was never voted out of committee and 3395 was; 370, whatever."

Senator Clarke: "In response to your question, I cannot give a definite recollection. I do know that prior to the time of the hearing, staff was informed of the title problem and were instructed in substance, to place the bill with that title situation. Now whether that was formally brought to the attention of the members of the committee in open meeting, I do not recall. But I certainly have no objection whatsoever to following Senator Talmadge's suggestion that we call a special meeting of the committee for the purpose of considering that title change."

Senator Fleming: "Thank you, Senator Clarke. I am just not sure of some of his concerns but also, I think we ought to look at that because we want to follow our rules and not say a rule of the day, because we can get ourselves in trouble that way; and if it was not acted upon, you could probably hold a meeting in one of the caucus rooms or off in the wings or whatever, as long as there was some formal action that that bill was the bill that was passed out of committee."

Senator Clarke: "Well, there certainly was no intention on the part of the committee or the committee chairman, to circumvent the rules, and the bill was, in substance, a more or less compromise bill that was worked out, and for that reason it was felt that it would be just better procedures to have a title that was a broader title. But, I move that the further reading in of that particular bill be deferred until such time as we have had an opportunity to give the committee, allow the committee

to meet and if they wish to consider . . . reconsider, I certainly have no objection to that . . ."

MOTION

Senator Clarke moved that the reading of the Standing Committee Report on Senate Bill No. 3704 be deferred until such time as the Judiciary Committee meets to consider the measure.

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the Senate will defer the reading in of this particular measure. Senator Talmadge, with your permission and that of the other members, the President should like time over the weekend to study your inquiry. Thank you.

"Senator Clarke and other members of the Senate, the Secretary advises the President, Senator Clarke and other members, that this is the last day that the measure can be read in."

POINT OF INQUIRY

Senator Clarke: "I understand that. Would Senator Bluechel respond to a question?"

"Senator Bluechel, you, apparently, have a more definite recollection since you attended the committee meeting as to what, if anything, took place with respect to the change of title; and could you relate your recollection as to that, please?"

Senator Bluechel: "Yes, Senator Clarke. During the testimony that I presented to the committee, I stated that the title of the existing bill was narrow, and that I would request that the bill be hung on a title-only bill which we had already transferred into the committee. I made that statement, and you told the committee at that time, is my best recollection, that this will be put on a title-only bill, and gave them the number."

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Mr. President, I do not believe a formal Point of Order has been raised and I do now raise it as to whether Senate Bill 3704 is properly before the Senate on the committee report since the 5-day notice was not given and the minutes do not record the reason why an emergency meeting had to be held of the committee."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger has raised a point of order. Senator Bottiger, the President should like to have the same privilege of studying the question over the weekend."

Further debate ensued.

The motion by Senator Clarke carried. The Standing Committee Report on Senate Bill No. 3704 will be held pending meeting of the Judiciary Committee.

REPORTS OF STANDING COMMITTEES

March 26, 1981.

SENATE BILL NO. 3751, transferring the licensing functions of the departments of fisheries and game to the department of licensing (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 3751 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gallagher, Chairman; Lee, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3757, permitting educational service district to act as self-insurers (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3775, regulating real estate time-sharing (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3775 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3864, denying legislative salaries to legislators convicted of a felony (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 3890, modifying provisions on commercial paper (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3890 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3930, repealing provision relating to game department property taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4081, providing for unclaimed property in hands of a bailee (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4129, establishing commercial zones and terminal areas for trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Metcalf, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4133, modifying the adjustments in compensation or death benefits payable under the industrial insurance system (reported by Committee on Commerce and Labor):

Recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4182, relating to nuclear wastes (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 4182 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Wilson.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4202, making the office of county sheriff a nonpartisan position (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4271, an act relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4271 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Wilson.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4272, an act relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4272 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, Wilson.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4275, establishing a WSU dairy/forage research facility at Rainier school (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 4275 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4307, modifying civil service provisions relating to state park rangers (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4308, revising personal needs allowances of recipients according to cost of living index (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 4308 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Moore, Rasmussen, Ridder.

Referred to Committee on Ways and Means.

March 26, 1981.

SENATE BILL NO. 4332, modifying the domestic violence law (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 4332 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4333, establishing the commission on minority and women's business opportunities (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 24, 1981.

SENATE BILL NO. 4363, modifying provisions relating to state funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Fleming, Haley, Hayner, Hughes, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE JOINT RESOLUTION NO. 113, restricting the growth of state tax revenues (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 113 be substituted therefor, and the substitute joint resolution do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Bauer, Fleming, Gaspard, Hughes, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE CONCURRENT RESOLUTION NO. 109, establishing the Joint Select Legislative Committee on International Trade (reported by Committee on Commerce and Labor):

Recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

March 25, 1981.

HOUSE BILL NO. 260, modifying agricultural commodity assessments (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 30, 1981.

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 3797.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3797, by Committee on Energy and Utilities (originally sponsored by Senators Gould, Bottiger, Guess, Hemstad, Hurley, Scott, Williams, Woody and Moore):

Modifying provisions relating to the management of joint operating agencies.

The Senate resumed consideration of Substitute Senate Bill No. 3797, as amended, from March 25, 1981. On March 26, 1981, an amendment proposed by Senator McDermott on March 25, 1981, was ruled out of order.

Senator Williams moved the following amendments be considered and adopted simultaneously:

On page 3, line 9, after "(a)" strike "Seven" and insert: "The"

On page 3, line 14, following "(b)" strike all material down through "state" on page 3, line 34 and insert: "At least four members of the executive board shall not be employees of the Bonneville Power Administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana.

(c) At least four members of the executive board shall be representatives of policy makers in business, finance or science or be recognized in the construction or management of such facilities as the operating agency is constructing or operating"

Renumber the following subsections accordingly

On page 4, line 13, following "elect" strike "seven members to" and insert: "the members of"

POINT OF INQUIRY

Senator Gould: "Senator Williams, if I may I would like to ask Senator Williams to yield to two questions and then make some comments.

"My first question, Senator, I think all of your amendments deal with the one issue and would you like to consider them as one amendment?"

Senator Williams: "Yes, yes, in fact that would be most appropriate."

Senator Gould: "All right, I felt that that was what you wanted. The second was in regard to any indication that the state might be liable by going this route, by

having the gubernatorial appointments which are confirmed by the Senate. Have you had any kind of a written statement, I ask that, have you any kind of a written statement from any council that that is a possibility?"

Senator Williams: "No, I do not. All I can say is that there is a certain amount of research going on, however, no one has reached a point where they could conclusively or felt that they could, at this point in time, put something on paper; and you are correct, I do not have anything in hand at this moment to say that. Mr. President, I would move all the amendments as one."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, let me pose for you a normal situation of corporate law where the four members appointed by the governor engage in an act that is ultra vires, beyond their stated authority. Would not the state of Washington be vicariously liable for the acts of those four directors appointed by the governor, since the state of Washington, acting through the governor, would be the appointing authority for them on the executive board?"

Senator Hemstad: "Senator Talmadge, I simply cannot respond to that kind of a generalized question. What I can respond to is the structure that has been put into this statute with the explicit directive that this does not translate this agency into a state agency. And by general, I think, I am relatively confident in my understanding of the obligations that a municipality and/or the state will undertake, and it is my judgment that the structure of this agency is now defined, does not translate that into the potential risk of a state obligation."

Further debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Bottiger, this is a different question than I approached you earlier on. You have indicated your interest would be, would have been to start with, that we dump the entire elected board and go with the governor-appointed board; and then you said that, you backed off of that concept because somewhere we are going to reach a threshold where we might involve the state financially.

"So, if assuming that we back off to a point where the controlling majority of the board were WPPSS' people and the noncontrolling members were non-WPPSS' people or gubernatorially appointed, then what improvement on the board in decision-making if the WPPSS' people board members have the majority and their decisions are going to be not too much different from whether they have the seven members or eleven members as long as their controlling members are WPPSS' elected people. You still come maybe closer to not involving the state financially, however you haven't improved the board if the policy-making aspect of it has not been transferred to some non-WPPSS' people."

Senator Bottiger: "Senator Bauer, Mr. Apple indicated that even the three-member board was not across the line until the state started getting involved in the every day operation. I was never quite sure that I agreed with him on that.

"But I would liken the four members in addition to the seven, as the public members that we have been putting on say, professional licensing. For example, we have a public member on the state bar association now. These four members serve to kind of break up the club and if their objections, if their constant questioning and objecting are not part of the public record, they are there, they are being, spending sufficient time to become familiar. They are then the public members who raise the flags, raise the questions. And even though they are not in the majority, four out of eleven is enough to, in my opinion, turn the board around and make all eleven members become very active in the every day decisions."

Senator Bauer: "But in the event they were influential enough to change the attitude of the other seven members, the WPPSS' members, and if it could be proven that their decision or their influence was sufficient enough to change the policy outcome of the board, then wouldn't that be grounds that the state had, by virtue of the fact that the governor had appointed four people, who had influenced the decision-making to the degree that the state did have a say in the final outcome and that those WPPSS' board members then, had somewhat relegated or negated their authority, their over-all authority, to nonelected people.

"Now, at whatever point that decision might be made, whether or not they are a part of making the decision or whether they are a part of influencing the decision be made to the point where the state is obligated, that is a question . . ."

Senator Bottiger: "Senator Bauer, neither Mr. Apple nor I nor anybody else that we have contacted, is of the opinion that that would jeopardize the liability question, that that would put the state in liability.

"Senator Williams has called everybody that he can think of, the WPPSS' staff has assured me they have called, I believe eleven New York bonding counsel; Mr. Apple does a lot of work for utilities here in the state of Washington. They are all of the opinion that danger does not exist in the bill as written; and for that matter would exist in Senator Williams' amendment.

"It is when the state begins passing laws regulating the every day activity; let me give you, for example, if we passed a bill to put a moratorium on four and five, I think we have clearly crossed the line, the utilities could sue the state. But if we could force them to do a study and that study showed them they should cancel four and five and then they, exercising their decision, cancel four and five, the state would not be liable."

Debate ensued.

POINT OF INQUIRY

Senator Fuller: "Senator Williams, before I vote on your amendment, I would like to ask you, in section (b) and section (c), both times you refer to 'four members.' Are those the same four members or that would make a total of eight, would it not, if they are not the same persons?"

Senator Williams: "The intention, you know I am assuming the amendment was drafted correctly, the intention is that there is only one four-member group appointed by the governor. There are not additional four members."

Senator Fuller: "As I read your amendment the government (sic) definitely would no longer appoint as a . . ."

Senator Williams: "That is correct. The appointments to that would be by the board of directors."

Senator Fuller: "Now I would like to ask one further question. When you speak of the employees of Bonneville and any electric utility conducting business in the state of Washington, Oregon, Idaho and so on, does this eliminate PUD commissioners or do you not consider them employees?"

Senator Williams: "Yes, it would eliminate them; in other words the intent, going back to the basic intent of the legislation, aside from this amendment, is to get people without a conflict of interest but from outside of the whole electric utility business."

Further debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—19.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Woody, Zimmerman—30.

On motion of Senator Gould, the rules were suspended, Engrossed Substitute Senate Bill No. 3797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, is it possible to yield three minutes of my time to Senator Lysen? I was interested in the balance of what he had to say."

REPLY BY THE PRESIDENT

President Cherberg: "The statement by Senator Jones which was adopted, prevents yielding of time to another Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Lysen, my concerns are the bottom line when this thing is done, and just how much money could the state of Washington wind up being liable for if that little crack in the door was just pounded through by people involved?"

Senator Lysen: "Well, I got the figures yesterday off the computer run. Using WPPSS' own figures which is 17.3 billion for construction costs, 33.6 billion for interest, 136 billion for operations, maintenance, fuel, taxes, insurance, waste disposal; and 8.6 billion for decommissioning, comes to a total of 196 billion dollars. And these are WPPSS' figures, by the way, not my figures. This is the total liability that would go on the rate payers, is going to be on the rate payers of the state of Washington, and if this bill passes, it could be general obligation to the taxpayers of the state of Washington. And these are WPPSS' own figures, these are not anything that I dreamed up."

Senator Vognild: "One hundred and ninety-six billion dollars. I think that comes pretty close to about nine years of the Washington state budget."

Senators Guess, Hayner and Jones demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3797, and the bill failed to pass the Senate by the following vote: Yeas, 24; excused, 25.

Voting yea: Senators Bluechel, Bottiger, Clarke, Craswell, Deccio, Gallagher, Gaspard, Gould, Guess, Haley, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin,

Newhouse, Peterson, Pullen, Quigg, Rasmussen, Scott, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Benitz, Charnley, Conner, Fleming, Fuller, Goltz, Hansen, Hayner, Hughes, Lysen, McDermott, Metcalf, Moore, Patterson, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3797, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Woody served notice that she would, on the next working day, move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3797 failed to pass the Senate.

MOTION

At 12:55 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 1:05 p.m.

MOTION

On motion of Senator Clarke, Senate Bill No. 3542 was ordered held for March 30, 1981.

SECOND READING

SENATE BILL NO. 4199, by Senators Craswell, Gallagher, Gould and Moore:

Establishing the Frances Haddon Morgan Children's Center as a state residential school.

The Senate resumed consideration of Senate Bill No. 4199. On March 25, 1981 an amendment by Senator Bottiger was moved for adoption and held for a Point of Order raised by Senator Craswell. The President ruled the amendment out of order on March 26, 1981.

On motion of Senator Craswell, the rules were suspended, Senate Bill No. 4199 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4199, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Jones—1.

SENATE BILL NO. 4199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3375, by Senators Patterson, Peterson, Sellar, Gallagher and Bauer (by Executive request):

Doubling the life of driver's licenses and adjusting fees and the apportionment thereof accordingly.

The Senate resumed consideration of Senate Bill No. 3375. On March 25, 1981 an amendment by Senator Ridder was moved for adoption. Senator Jones raised a Point of Order on the amendment. On March 26, 1981, the President ruled the following amendment to be in order.

On page 2, line 29, after "fund" insert "PROVIDED, That during the period July 1, 1981 through June 30, 1983 the sum of five dollars and ten cents shall be deposited in the highway safety fund, three dollars and eighty cents shall be deposited in the general fund, and five dollars and ten cents shall be deposited in the general fund and appropriated to the department of social and health services for the sole purpose of providing additional funds for the income maintenance program"

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Patterson, can you tell me what the amount of money from the photography dollar will be?"

Senator Patterson: "I do not have and the fiscal statement does not identify exactly what that one dollar generates. I am sorry, I do not have that information available."

Senator Ridder: "Okay, I do not have that either but I do point out that the saving over the biennium is 8.3 million dollars and according to the budgets that we have, the highway safety fund state is proposed at 9½ million dollars for each year. So I would hold that we are making that decision now about making funds available for transportation in a nontransportation budget."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Ridder.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 33.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wojahn, Woody—16.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Zimmerman—33.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3375 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Patterson, in the past when this has been proposed and this idea has been around here a long, long time, one of the objections that was regularly raised by the state patrol and law enforcement agencies, is that this is one

check we had on people who had outstanding warrants and another check that people came in and had their eyes checked and they had to sign the statement that they did not have any diseases or taking any drugs.

"Has there been a change in the department's position that we can find the outstanding warrants and things through this periodic check?"

Senator Patterson: "Well, I do not know whether or not there has been a major change; I, too, questioned whether or not we were creating a problem, particularly with those people that were licensed with some kind of a qualification as to that license. They expressed that they were going to keep a special tab on those people and that they would be examined more often than during that 4-year period. I am not sure about what they would do in the case of warrants and this type of activity."

Debate ensued.

REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Mr. President. Ladies and gentlemen of the Senate. In answer to Senator Bottiger's question, computers have come a long way and each one of those speeding violations or any violation is put on your list now. Any time that you get picked up or even slowed up, they can phone in, or through the short wave radio, get a complete record of how many tickets you have outstanding and they can gather up that license at that time. So the computer system, I think, is what is letting them keep a better tab on us, and they will keep track. If you do not believe it, just get three speeding tickets, you'll see how fast you get a notice to come in and talk about it."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3375, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, Vognild, von Reichbauer, Zimmerman—33.

Voting nay: Senators Conner, Deccio, Hurley, Lysen, McDermott, Moore, Ridder, Scott, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—14.

Absent or not voting: Senators Fleming, Hayner—2.

SENATE BILL NO. 3375, 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.

INTRODUCTION OF GUEST

The President announced on the Senate Rostrum former Senator Frances Had-don Morgan. With permission of the Senate business was suspended to permit Senator Morgan to address the Senate.

PARLIAMENTARY INQUIRY

Senator Clarke: "The question was raised earlier today as to whether Senate Bill 3704 was properly before the body on the standing committee report. Since the question was raised, pursuant to rule 47, a special meeting of judiciary was held, and the proviso that by majority vote of committee members present at any committee meeting the five-day notice may be dispensed with and the reasons shall be set forth

in written statement to be preserved in the record of the meeting has been complied with. My parliamentary inquiry is to whether the matter, in view of that fact, is now properly before the body in its due course with respect to the standing committee report."

REPLY BY THE PRESIDENT

President Cherberg: "Under the circumstances you outline, Senator Clarke, the measure would be properly before the Senate. Senator Talmadge."

PREVIOUS PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, I framed a point of inquiry, a point of parliamentary inquiry, earlier. I believe Senator Clarke's point of parliamentary inquiry takes care of Senator Bottiger's Point of Order with respect to the bill. But I would hope that my parliamentary inquiry would still be answered."

REPLY BY THE PRESIDENT

President Cherberg: "The President will give you a reply at this time, if that meets with the approval of the Senate.

"The President finds that the preceding discussion on Senator Talmadge's parliamentary inquiry and on Senator Bottiger's Point of Order, establish the following: Senate Bill 3395 relating to the jurisdiction of the human rights commission was heard by the judiciary committee and was passed out with a majority and a minority report (2) the contents of Senate Bill 3395 were transferred subject to the hearing to Senate Bill 3704, a title only; and it is this bill to which the standing committee report is being submitted today.

"Senate rule 47, section 4, provides in part that 'Bills reported to the senate from a standing committee' etc., ' . . . shall be adopted at a regularly or specially called meeting' etc. Senate Bill 3704 was not adopted in compliance with Senate rule 47 and the President therefore finds that the judiciary committee report, majority report, on Senate bill 3704 is not properly before the Senate at this time. And that the Point of Order is well taken."

Senator Clarke: "Just by way of clarification, the matter now having been cured, it is presently the President's ruling that the matter is properly before the . . ."

President Cherberg: "When the report is received on the first order of business."

SECOND READING

SENATE BILL NO. 3893, by Senators Clarke and Wojahn (by Department of General Administration Division of Banking request):

Revising laws relating to banking.

The Senate resumed consideration of Senate Bill No. 3893. On March 25, 1981, an amendment by Senator Pullen and others was moved for adoption. Senator Clarke raised a Point of Order on the amendment. On March 26, 1981, the President ruled the amendment out of order.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3893 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3893, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gašpard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Lysen, McDermott, Metcalf, Williams, Wilson—5.

Absent or not voting: Senator Hayner—1.

SENATE BILL NO. 3893, 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

Senator Bottiger moved that Senate Bill No. 3408 be considered following Senate Bill No. 3386.

POINT OF INQUIRY

Senator Benitz: "Senator Bottiger, which amendment and where is the error?"

Senator Bottiger: "Well, it's Senator Wojahn's amendment and the way the amendment is worded, we are appropriating and taxing in the same bill; and the amendment should be reworded so that the fund is deposited in the general fund to an account, rather than to an appropriation."

The motion by Senator Bottiger, as amended by Senator Clarke to consider Senate Bill No. 3408 following Senate Bill No. 3630, carried. Senate Bill No. 3408 will be considered following Senate Bill No. 3630.

SECOND READING

SENATE BILL NO. 3555, by Senators Bluechel and Charnley:

Mandating certain information from institutions of higher education relating to remunerated professional leaves.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Senate Bill No. 3555 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Gallagher: "Senator Shinpoch, I have one here, it is rather interesting, that came out of committee, signed out 'do pass' with your name on it. Was there a problem that was not addressed in the committee?"

Senator Shinpoch: "That is absolutely correct. It was one of those times that they brought three bills over and said 'Here are three bills that everybody's agreed on, would you sign them?' And, being one of those good guys, I don't suppose you have ever done that, though; well, I have and this is one time that I got caught. I suspect that I won't be caught again this session, but no doubt somebody will catch me again next session."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3555, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Charnley, Clarke, Craswell, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bluechel, Bottiger, Conner, Deccio, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Hayner—1.

SENATE BILL NO. 3555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3630, by Senators Benitz, Hayner and Jones:
Expanding the authority of department of ecology for land reclamation.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 3630 was substituted for Senate Bill No. 3630 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 3630 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Jones, Senator Hayner was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3630, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Hansen, Vognild, Wilson—3.

Absent or not voting: Senator Metcalf—1.

Excused: Senator Hayner—1.

SUBSTITUTE SENATE BILL NO. 3630, 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

Senator Bottiger moved the Senate advance to the eighth order of business.

Debate ensued.

Senators Clarke, Newhouse and Hemstad demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Clarke, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate advance to the eighth order of business.

Senator Clarke demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate advance to the eighth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bluechel, Bottiger, Clarke, Craswell, Deccio, Gallagher, Gaspard, Gould, Guess, Haley, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Scott, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Benitz, Charnley, Conner, Fleming, Fuller, Goltz, Hansen, Hayner, Hughes, Lysen, McDermott, Metcalf, Moore, Patterson, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

MOTION

Senator Clarke moved the Senate return to the first order of business.

PERSONAL PRIVILEGE

Senator Hughes: "I think it is rather sad that a resolution that I have that was on the desks at the time we were originally on the eighth order of business, was passed over.

"A man who was retiring after thirty-one years of public service today, I would hope that this body could have presented a present to him at his retirement which starts in twenty minutes. But because of some political game playing, that right has been denied, and I think that is a little bit sad. Perhaps we can address it on Monday."

PERSONAL PRIVILEGE

Senator Jones: "He knows who played the political game. A request had been before us and we were willing to honor it and we cannot honor that now. And we had agreed. I think that should be in the record.

"By the way, I have forty years of service, haven't retired yet; and I don't expect us to spend some money to send me a resolution."

The motion by Senator Clarke carried. The Senate returned to the first order of business.

REMARKS BY SENATOR HUGHES

Senator Hughes: "In response to the comments of Senator Jones, again I guess it is rather pathetic when we have to personally attack an individual because he was denied . . ."

POINT OF ORDER

Senator von Reichbauer: ". . . a point of personal privilege or just speaking?"

President Cherberg: "The Senator is responding to Senator Jones' comments."

Senator von Reichbauer: "Under what order is he doing that, Mr. President?"

PERSONAL PRIVILEGE

Senator Hughes: "Again I want to reiterate that I think it is tragic that an individual was denied, and I am sure Senator Jones' record is a very distinguished one, but if I were Senator Jones I would not want to match it against the service of the gentleman who is going to be honored today."

REPORTS OF STANDING COMMITTEES

March 26, 1981.

SUBSTITUTE SENATE BILL NO. 3084, establishing a state housing finance commission (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3084 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Bauer, Deccio, Fleming, Gaspard, Haley, Hughes, Lee, McDermott, Ridder.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3394, increasing the tax credit for cogeneration facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hurley, Moore, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3458, authorizing the retention of an additional two percent of wages on exotic races (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Bauer, Deccio, Fleming, Haley, Hayner, Lee, McDermott, Ridder.

Passed to Committee on Rules for second reading.

March 27, 1981.

SENATE BILL NO. 3512, providing for a distribution of leasehold excise tax revenues to fire protection districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3512 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Fuller, Gould, Lee, McCaslin, Talley.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3609, establishing a temporary committee on educational policies, structure and management, and setting forth its duties, and providing for its abolishment (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Bauer, Deccio, Fleming, Gaspard, Hughes, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1981.

SENATE BILL NO. 3704, relating to state government (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3704 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

MINORITY recommendation: That Senate Bill No. 3704 not be substituted and that the bill do not pass.

Signed by: Senators Hughes, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3753, implementing law relating to the disposition of school surplus property and the priority of certain buyers thereof (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3753 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3779, providing for the distribution of funds received under the Geothermal Steam Act (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3779 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 27, 1981.

SENATE BILL NO. 3823, authorizing the use of ORV moneys for hiking trails and areas (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hughes, Hurley, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3912, implementing law relating to handicapped students (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3912 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3916, requiring modification of shoreline classifications to reflect changed circumstances (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Haley, Hansen, Hurley, Quigg, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 3921, extending the scope of the legislative ethics law and establishing a statute of limitations for complaints thereunder (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 3994, relating to highway aggregate paving (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3994 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4034, modifying provisions on refunds for property taxes paid (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Haley, Lee, Pullen, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4036, requiring a bond to maintain an action based on the State Environmental Policy Act of 1971 (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 4036 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Guess, Haley, Hansen, Quigg, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Hughes, Hurley.

Passed to Committee on Rules for second reading.

March 27, 1981.

SENATE BILL NO. 4044, requiring consideration of the impact regulatory actions have on retention of agricultural lands (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4044 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4078, establishing a budget stabilization account (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4078 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4085, modifying the powers and duties of the state energy office (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 4085 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Williams, Wilson.

MINORITY recommendation: Do not pass.

Signed by: Senator McCaslin, Vice Chairman.

Passed to Committee on Rules for second reading.

March 27, 1981.

SENATE BILL NO. 4087, cloud seeding (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 4087 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4112, creating the natural resources account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

March 25, 1981.

SENATE BILL NO. 4136, allowing individuals to withdraw unirrigated lands from irrigation districts of 200,000 acres (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 4136 be substituted therefor, and the substitute bill do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4141, requiring state elected officials and legislators to take an oath that they have read the Federal and State Constitutions (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 4141 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4190, providing for a study and evaluation of the state environmental policy act (reported by Committee on Parks and Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 4190 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Quigg, Williams, Zimmerman.

MINORITY recommendation: Do not pass.
Signed by: Senators Hughes, Hurley.
Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4354, providing choices for personnel or civil service system for employees of combined city and county health departments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.
Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee.
Passed to Committee on Rules for second reading.

March 26, 1981.

SENATE BILL NO. 4360, relating to nonhigh school districts (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4360 be substituted therefor, and the substitute bill do pass.
Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Lee.
Passed to Committee on Rules for second reading.

PARLIAMENTARY INQUIRY

Senator Hurley: "My point of inquiry, Mr. President, is when a gubernatorial appointment is considered by a Senate committee and that ends in a tie vote of the committee, does the motion fail?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion would fail; if it does not receive a majority, the motion is lost."

POINT OF ORDER

Senator Hurley: "My point is, that gubernatorial appointment 424 relating to Eustace 'Sonny' Vynne, Jr., as a member of the state parks and recreation commission, is illegally before this body. And if I may make some comments on the committee that . . ."

President Cherberg: "Senator Hurley."

Senator Hurley: "A committee meeting was held yesterday and the appointment, the appointment for approval was made by Senator Guess. There was a vote of the committee and a show of hands. Those voting 'yes' were Bluechel, Guess, Fuller, Haley, Quigg; five in number. Those voting 'no' were Hansen, Hughes, Hurley, Williams, Goltz; five in number. One abstained, Senator Zimmerman.

"I have a transcript of that portion of the meeting. Would it be helpful if I read that transcript? It is only about five or six sentences long."

President Cherberg: "With the consent of the Senate, the Senator may read the message."

Senator Hurley: "After the vote, it goes like this:

"Hurley: Pardon me, a Point of Order, Mr. Chairman. A tie vote does not permit a collection of signatures; a tie vote loses the position.'

"Fuller: I am going to rule that way until some higher authority will. . .'

"Hurley: This committee is governed by the same rules as the rules of the Senate and a tie vote is destroyed in a committee.'

"Fuller: Well, I, the proper place to bring that point would be to the rules committee.'

"Hurley: I wouldn't think that you would want the signatures on just your approval.'

"Fuller: We will continue."

"Now to continue with my Point of Order, I would like to state House rule 21, sub (5). That says 'The passage of a bill or action on a question is lost by a tie vote. . . .'"

POINT OF ORDER

Senator Fuller: "I would question whether the Senator has a right to quote a House rule to us?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fuller, in reply to your Point of Order, the President believes that Senator Hurley really meant the Senate rule rather than the House rule."

Senator Fuller: "With that understanding, Mr. President, thank you."

President Cherberg: "Senator Hurley."

Senator Hurley: "Because of your ruling that a tie vote does lose the motion, then I request that gubernatorial appointment 424 be withdrawn from the list of those that are to be read in today."

"I have some statements I would like to make about this procedure but in the interest of . . ."

President Cherberg: "Senator Hurley."

Senator Hurley: "Well, the tradition of the Senate and the procedure over the years, is that a motion is lost by a tie vote because, I think this is extremely important, the confirmation of a gubernatorial appointment is an extremely important procedure reserved only for the Senate. We should remember what this confirmation process is all about. It is not a political game; it is not, which side of the aisle has one more vote than the other side; it is not a popularity contest; it is not if the candidate is a good fellow. The issue is, 'Will the candidate for appointment do a conscientious job that serves all the people of the state.'"

"Having questioned 'Sonny' Vynne on his philosophy, I have concluded that he would not serve the state and four other members of our committee agreed with me at that point."

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Am I correct that the gubernatorial appointments as referred to as well as all other gubernatorial appointments, are not affected by our cutoff calendar?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct, Senator."

PERSONAL PRIVILEGE

Senator Zimmerman: "Since it was brought up as to the actions of yesterday, I think it is appropriate that I at least explain my being absent, stepping out of the room, not voting on this particular measure, and as to what has taken place since that time."

"First of all, I had been, I had not been present for the original interview with the candidate. I felt unprepared at that point to be able to vote wisely on the issue, so I stepped from the room so I would not be voting on that measure."

"I, if the measure, at that point I did have an appointment, made an appointment with the candidate himself, had an opportunity to interview him, talked to him

in great detail about every matter that had been brought up in previous meetings; all the questions that were asked of him; all the concerns that were brought up and reported in the press. I felt very comfortable after that interview that he answered them responsibly, that he answered them in great detail, as a matter of fact with much detail than I would have expected him to be able to do so. I was very convinced that the man is probably a very capable member to be confirmed by this body. I feel that having three governors that have already appointed him, that I wanted to have the opportunity to confirm him. I would hope that we could either have a meeting and do it here or we could take whatever action is necessary, because I think the man does deserve the confirmation."

Senator Clarke: "In view of the President's ruling on the parliamentary inquiry, if this matter remains alive, I move that the President's ruling on the Point of Order be, that the matter be continued until Monday's meeting of the; and I would like to comment very briefly on the Point of Order raised.

"I think that it is an interesting Point of Order in that I do not believe that rule 47, in reality, relates to the problem as to where bills are voted out of committee by, we'll say, less than a quorum of the committee and subsequently they are signed out by a majority, and I think that is a matter that needs clarification.

"I think all committees on numerous occasions, have had situations where a quorum or less than a quorum were present, or where there would be, in effect, a tie vote on whether it would go out or not, and subsequently a majority of the committee has signed a 'do pass' report. Now that has happened on numerous occasions; frankly, I do not think it is covered specifically in the rules and I just make that statement for the purpose of the ruling that is requested by the President."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, along those same lines, speaking to the Point of Order, I am not sure and maybe Senator Clarke might be available to more information in that area than I have, of sitting on some of those committees.

"I am not sure that that is the case when a majority of members sitting in a committee, decide an action on a bill, whether, in the past, less than a majority or tie vote allowed this situation to happen. I know there have been some situations when the majority of the members were there, and might not necessarily be a quorum, but the majority sitting had made an affirmative action and they had moved on to gather signatures.

"But I have not witnessed one when it was a negative vote or tie, which means that there is a failure, that they still got the signature, I am not sure about."

PARLIAMENTARY INQUIRY

Senator Williams: "Mr. President, do the rules of the Senate in terms of procedure, apply to the committees also? And the reason I ask this question, since the motion was a tie motion, a motion to approve, was a tie vote and by normal rules, that means the motion was lost. If that committee sits again and attempts to bring this issue before it again, and before this body, my understanding would be it would take a person voting on the prevailing side which means on the losing side, to bring the motion before the committee again. Is that not true?"

Senator Clarke: "Responding, just a matter for the President's consideration, it has always been my understanding that a motion to pass a bill out is a renewable motion, that if it fails before a committee at any time, it may then be brought up at a subsequent occurrence and that it does not require a motion for reconsideration.

"In view of the inquiry that Senator Williams has made, I think that that instance also requires consideration as to whether it is or is not a renewable motion."

Senator Guess: "I believe that if memory serves properly, that the chairman made the announcement subject to signature on the sign-out sheet we vote. Is that not so, Senator Fuller?"

Senator Fuller: "That is correct, Senator Guess."

Senator von Reichbauer: "Mr. President, I am just going to advise the body that on Monday I am going to ask that this body relieve the committee of the appointment, and we bring the gubernatorial appointment's name to the floor."

President Cherberg: "Senator Williams, the President believes it would be advisable to hold your question over, along with the Point of Order, if you do not mind."

PARLIAMENTARY INQUIRY

Senator Fuller: "Thank you, Mr. President. Being new to the chamber but realizing that we changed a rule the other day and limited discussion on a subject to three minutes, I would like to know when a gubernatorial appointment comes before us again, has Senator Hurley exhausted her three minutes, or does she get another three minutes? I'll be very happy to hear your decision on Monday."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Hurley would be permitted to close debate."

Senator Fuller: "To close debate only? Thank you, Mr. President."

POINT OF INQUIRY

Senator Fleming: "Senator Clarke, in view of the notice that we just received, that in view of the ruling that the chair has made as to gubernatorial appointments not falling under the deadline within the Senate consideration of their measures, I would like to know, will this be a normal practice that we will have that the majority will just stand up and pull a gubernatorial appointment or bill from a committee and pull it to the floor when there is no need for that? That bill can be read out of committee and take its normal course into rules as these others. And I am just wondering, is that going to be your normal procedure or just certain Senators are going to have the privilege of pulling whoever they want out of committee and considering it at that particular time."

Senator Clarke: "Senator, my response is that as all other matters that come before this body under the rules, that they will be handled on an individual basis and consideration will be given as to what our procedure has been and whether the particular situation is sufficiently unique to warrant a departure from those particular rules."

Senator Fleming: "May I ask a further question? Is this situation that unique and that this appointment is that important, much more so than the rest of these people that are on this and the rest of the people that have been appointed by the governor, that we have to take a special preference to this person?"

Senator Clarke: "Senator, I am . . . in no position to answer that question because I have no knowledge with respect thereto, and I can assure you that if and when any motion of that kind comes before the Senate, that it will be given the considerations which you are outlining."

Senator Fleming: "And what you are saying is that, as of Monday if that motion is made, and, according to the vote, it will be special preference or not, we will know at that particular time."

Senator Clarke: "All I am saying, Senator, is that on each individual instance, it will be up to the majority of the Senators to decide how they want to handle the particular situation."

Senator Fleming: "Well, I just want to see, just want to try to make sure that we work with some consistency, even though with the majority we still should be consistently in the majority."

Senator Clarke: "Senator, I have no problem whatsoever with assuring you that our record of consistency will be so much better than it was when you people were in the majority, that, if you want chapter and verse on that, you know perfectly well I can give it to you."

Senator Fleming: "Well, not the way you have been going so far."

Senator Clarke: "Mr. President, I move that we proceed with the first reading."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I just wanted to make the statement that since we have been in the majority we have tried, in every way possible, to comply with your requests. We have been very courteous, as best we could be, and when you have made the requests to us directly, we have tried, in almost every instance, to comply, and I think there isn't a member that cannot say that that is true.

"And I am sorry that there has to be this kind of confrontation because I do not believe that it is in the best interests of the people of the state to be divided on strictly partisan bases on all issues before us. I think these issues should be considered on a single day-by-day basis on the merits with respect to how the people believe and how it will affect them. And I hope that is the way we will look at it in the future."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, just briefly responding to Senator Hayner, I recognize on this floor, we have a tendency to try to refer back last year, year before, ten years ago, and I guess Senator Guess and some others that might have been here could refer it back twenty-eight or thirty years ago when they were in the majority, and I am not going to deal with that.

"But the new group of leaders on that side of the aisle have been in the majority for a little over a month and they are talking about the cooperation that they have given us. This group over here, when they were in the majority, were in the majority about a month. And I would suggest, if you want to compare the record, I do not think you could run up a green flag saying that you were any more cooperative than we were. And that is what we are dealing with. We are dealing with you, and you are dealing with us and let's come from that point of view and I think that is what we have to deal with."

REMARK BY THE PRESIDENT

President Cherberg: "Senator Clarke has moved that the Senate proceed in order. As many as are in favor will say 'aye.' As many as are opposed will say 'no.' The ayes appear to have it. The Senate will proceed in order. For what purpose does Senator Hurley rise?"

PARLIAMENTARY INQUIRY

Senator Hurley: "Point of inquiry. My point is, when you responded to Senator Fuller and you said that I could make a rebuttal statement, that just related to today; I just wanted to clarify that because I still have my three minutes on the final passage, don't I? My statement before was on a motion about the committee."

REPLY BY THE PRESIDENT

President Cherberg: "When the appointment comes up for confirmation, the mover of the motion to confirm will be permitted to make opening remarks and closing remarks. If you are the sponsor you will be permitted to have that privilege. However, if the rule is still prevalent, it is prevalent up until April second. If it is considered before April second, you will have a three-minute period."

Senator Hurley: "I will have three minutes to comment on the appointment, then?"

President Cherberg: "Yes."

Senator Hurley: "Thank you."

PARLIAMENTARY INQUIRY

Senator Fleming: "I would like to ask Senator Jones, the maker of the motion, if possible, with his motion being made on the three-minute limitation, I was under the impression that that three minutes would be on those measures that fell under the cutoff. Since gubernatorial appointments do not fall under the cutoff, I am wondering, whether in fact, the three minutes relate to that; or secondly, whether we will get the cooperation of the majority side over there, and make sure that we do not run any of those measures out that do not fall under cutoff, so we'd not spend that extra time and use it on measures that do fall under the cutoff."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fleming, the rule adopted by the Senate and suggested by Senator Jones, says that 'members be limited to three minutes per issue or amendment, except the prime sponsor of a move may have opening and closing remarks;' however, if the Senate in its wisdom wishes to suspend this rule, it may do so."

POINT OF INFORMATION

Senator Williams: "Did I understand that you would give an answer or a ruling on the question that I raised?"

REPLY BY THE PRESIDENT

President Cherberg: "The President, there have been so many questions raised, Senator Williams, that the President will have to consult with Mrs. Greeley and get them all lined up and rule on Monday."

PERSONAL PRIVILEGE

Senator Williams: "You know, speaking for myself only in terms of the procedures that we follow and how it affects me, I just wanted to make sure that I did not want to enter into a partisan bickering in this thing. I am concerned about the observation of the rules and it is for that purpose that we raised the question in terms of proper maintenance of those rules and that is all."

"In fact, the issue does not matter to me at the moment; it is the issue of the person and so forth, and the personality. It is a practice of how the committees work and how we move procedurally that is important, and that is the reason why I have raised that question. And I just want to make sure that that is understood."

PARLIAMENTARY INQUIRY

Senator Woody: "Mr. President, with your forbearance I would appreciate your patience in this issue.

"Considering the many points that have been raised this afternoon, I would like to ask the chair if one of the points that has been raised, whether or not Senate rules governing Senate committee procedures, allows a motion which receives a tie vote in committee to be passed out, pursuant to signatures?"

REPLY BY THE PRESIDENT

President Cherberg: "That will be ruled on Monday, Senator."

President Cherberg: "Senator Fuller, for what purpose do you rise?"

Senator Fuller: "To inform the body of a matter. Am I permitted to do that?"

"Mr. President, the body should be forewarned that if this is found to be the case, your last remark that there does have to be a majority of signatures in a committee, Senate Bill 3823 would not qualify to be on the list of bills read in today."

MOTIONS

On motion of Senator Clarke, the Senate dispensed with the Call of the Senate.

At 2:45 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Monday, March 30, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 30, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 10:48 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Mark Stout and Gael Deviny, presented the Colors. Reverend Larry L. Eddings, pastor of Silverdale United Methodist Church of Silverdale, Washington, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 30, 1981.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 27, 1981.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 83,
HOUSE BILL NO. 167,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235,
SUBSTITUTE HOUSE BILL NO. 532,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 624, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 27, 1981.

Mr. President: The House has passed:
HOUSE BILL NO. 57,
HOUSE BILL NO. 161,
SUBSTITUTE HOUSE BILL NO. 242,
SUBSTITUTE HOUSE BILL NO. 290,
SUBSTITUTE HOUSE BILL NO. 399,
SUBSTITUTE HOUSE BILL NO. 449,
HOUSE BILL NO. 576,
SUBSTITUTE HOUSE BILL NO. 593, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 27, 1981.

Mr. President: The House has passed: HOUSE JOINT MEMORIAL NO. 2, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

HOUSE BILL NO. 57, by Representatives Erickson, Houchen, Salatino, North, Wang and Johnson:

Revising laws on elections of port commissioners.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 83, by Representatives Lewis, Williams, King (J), Wang, Pruitt, Leonard, Erickson, Smith, Hankins and McGinnis:

Modifying the regulation of optometry.
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 161, by Representative Erickson:
Revising laws relating to television improvement districts.
Referred to Committee on Local Government.

HOUSE BILL NO. 167, by Committee on Education and Representatives Taylor and Johnson:

Implementing law relating to program hour offerings under the basic education act.

Referred to Committee on Education.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235, by Committee on Appropriation-Human Services (originally sponsored by Select Committee on Corrections and Representatives Struthers, Becker, Houchen, Nelson (D), Mitchell, Owen, Barr, Granlund, Winsley, Walk, Leonard, Galloway, Fiske, Warnke, Van Dyken, Erickson, Berleen, Stratton, Clayton, Johnson, Wilson, Rinehart, O'Brien and Wang):

Providing for correctional reform.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 242, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives James and Greengo):

Valuing classified open space land with no current use.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 290, by Committee on Institutions (originally sponsored by Representatives Galloway, Winsley, King (J), Williams, Heck, Houchen, Thompson, Mitchell, Struthers, Nelson (D) and Maxie):

Increasing the responsibilities for personnel of the board of trustees for the state school for the deaf.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 399, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Houchen, Becker, Struthers, Heck and Nelson (G) (by Governor Spellman request):

Giving the secretary of social and health services the power to manage the McNeil Island penal facility.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 449, by Committee on Agriculture (originally sponsored by Representatives Flanagan, Struthers, Barr, Amen and Thompson):

Modifying the supervisor of water resources responsibilities in determining water rights.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 532, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying the reporting requirements of the child protective services.
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 576, by Representatives McCormick, Gallagher, Wilson, Barrett, Eberle, Schmidt, Prince, Walk and Cantu:

Qualifying state authority for the 55 speed limit.
Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 593, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison, Berleen, Garson, Pruitt, Walk, Wang, Ellis, Patrick, Burns, Rust and Brown):

Protecting state employees who report improper governmental action.
Referred to Committee on State Government.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 624, by Committee on Ways and Means (originally sponsored by Committee on Appropriation-Human Services and Representatives Chandler, Granlund and Wang) (by Governor Spellman request):

Adopting a supplemental budget.
Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 2, by Representatives Hastings, Taylor, Padden, Bond, Wilson, Isaacson and Lewis:

Requesting the administration and Congress to abolish the department of education.

Referred to Committee on Education.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 were ordered held for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3542, by Senators Vognild and Jones:

Permitting self-insurers to close certain claims under workers' compensation.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 3542 was substituted for Senate Bill No. 3542 and the substitute bill was placed on second reading and read the second time in full.

Senator Newhouse moved the rules be suspended and Substitute Senate Bill No. 3542 be advanced to third reading.

Debate ensued.

MOTION

Senator Newhouse moved Substitute Senate Bill No. 3542 be held for further consideration on March 31, 1981.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, the bill had finished second reading and was ready for the motion to advance. If that is so, and if there is no further action taken today does it not then automatically advance to third reading calendar. . ."

REPLY BY THE PRESIDENT

President Cherberg: "It would be referred to Senate rules on third reading."

PARLIAMENTARY INQUIRY

Senator Clarke: "We go back to Senate rules and would have to come out, then, on a third reading calendar?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator, unless the motion to hold the bill on second reading prevails."

There being no objection, on motion of Senator Newhouse the motion to advance Substitute Senate Bill No. 3542 was withdrawn.

On motion of Senator Clarke, Substitute Senate Bill No. 3542 will be held on the second reading calendar for further consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3408, by Senators Benitz, Hansen, Newhouse, Moore, Patterson, von Reichbauer, Deccio, Charnley, Gaspard, Goltz and Haley:
Providing for wine and wine grape research and instruction programs.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3408 was substituted for Senate Bill No. 3408 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the following amendments were considered and adopted simultaneously:

On page 2, line 18, after "That" strike "two cents per gallon" and insert "one-half cent per liter"

On page 3, beginning on line 10, after "tax" strike "of ~~((seventy-five))~~ seventy-seven cents per wine gallon" and insert "~~((of seventy-five cents per wine gallon))~~ at the rate of twenty and one-half cents per liter"

On page 3, line 13, after "such" strike "gallonage" and insert "~~((gallonage))~~"

On page 3, line 15, after "on" strike "gallonage" and insert "~~((gallonage))~~ wine"

Senator Wojahn moved adoption of the following amendment:

On page 3, line 11, after "gallon:" insert "PROVIDED, That the increase provided by this 1981 amendatory act shall be deposited in the general fund and credited to the department of social and health services for the sole purpose of providing additional funds for the chore service program:"

Debate ensued.

POINT OF ORDER

Senator Benitz: "I would like to raise the question of scope and object of the amendment. I think it far expands what the bill is intended to do, so I would submit to the President, the question of scope and object."

At 11:20 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 11:30 a.m.

The Senate resumed consideration of Substitute Senate Bill No. 3408, as amended by Senator Benitz, and the pending amendment moved for adoption by Senator Ridder and Point of Order raised by Senator Benitz.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Benitz, the President finds that Substitute Senate Bill No. 3408 is a measure which increases the wholesalers' wine tax and also provides for allocation of a portion of that tax.

"The amendment proposed by Senator Wojahn also provides for the allocation of a portion of the wholesalers' wine tax.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment by Senator Wojahn was ruled to be in order.

Senator Wojahn demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 31.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognil, Williams, Wojahn—18.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wilson, Woody, Zimmerman—31.

POINT OF INQUIRY

Senator Bottiger: "Senator Benitz, I am concerned with the structure of this bill and I rise to ask you this question. As I read it, in section 2, you are making an appropriation; you are appropriating two cents of the gallonage tax to the Washington state university for purposes of certain research.

"In section 4 you are raising the tax. And my concern is this: are we increasing a tax and appropriating the money in the same bill in violation of the Constitution, and Senator Pullen might be interested in this, this is both a tax increase and an appropriation in a single bill.

"And my concern is, are we passing an unconstitutional act by doing this?"

Senator Benitz: "Senator Bottiger, I would simply have to defer to some of the budget experts, I have not been on Senate ways and means and I have not been advised of any problem here."

Senator Wojahn moved adoption of the following amendment:

On page 3, line 33, after the period insert: "The credit provided by this 1981 amendatory act shall cease on July 1, 1983."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, it is my understanding that there are quite a few grapes being raised over there in eastern Washington at the present time. Could you tell us the quantity and also the people that are involved?"

Senator Benitz: "Yes; eastern Washington has provided a start in the wine grape industry. We only have one sizable grower and one sizable winery. All the rest in eastern Washington are trying to get started in the so-called family type of wine grape growing and wine processing. They are very small and on western Washington, we have several varieties we are working with that will provide from Bellingham clear to Vancouver, Washington, the opportunity to produce a wine grape that we think will be a very good one. It is two totally different worlds, we are just getting started."

Senator Rasmussen: "Senator Benitz, it is my understanding Pete Taggares and the Simplot Company are two of the biggest people in wine grape. . . ."

Senator Benitz: "Senator Rasmussen, I am glad you have asked that question, an opportunity to clarify. They are in the Concord business; they are large Concord growers which is not used except a small part of it used for cold duck, shipped to California. But that is a total different industry, and that is one reason this bill is as specific as it is. They are not in the wine grape business as yet."

The motion of Senator Wojahn failed and the amendment was not adopted on a rising vote.

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 3408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Senator Hansen, don't the wheat growers subsidize themselves, it may not be through a commission, but don't they do it through some type of a self-funding, to improve wheat; and isn't this true of the apple commission, a lot of the other commissions on, for producers, they subsidize themselves. . . ."

Senator Hansen: "They assess themselves for this commodity; but don't you ever think that that assessment isn't added on to the end profit, end cost, of the commodity."

Senator Wojahn: "Well, can I ask you another question? Then, this will be added on also, to the cost. . . ."

Senator Hansen: ". . . only it is dedicated and I think you have legislation in here at the present time, allowing the wheat commission to change from cents-per-bushel to a percentage tax this time, for the same identical purpose."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3408, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—33.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wojahn—15.

Absent or not voting: Senator Hughes—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ridder: "Mr. President, I notice on the bill that just passed, the digest says the two cents per gallon increase in the wine tax. I would like it noted that I hope that the majority will be as interested in voting for taxes for other parts of the budget."

Senator Clarke: "This relates to a matter before the body?"

Senator Ridder: "All right."

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President, and members of the Senate, if you have not already heard, there was an assassination attempt on President Reagan this morning in Washington, D.C., apparently. The President was unhurt, although two people accompanying the President were, in fact, struck by the assassin's bullet.

"I would simply say, Mr. President, that, having been someone who has gone through the situation with President Kennedy, with Senator Kennedy, with Martin Luther King, with President Ford twice, and others, that this kind of thing is one of those things that is always a personal shock, I think to all of us.

"It is a senseless and brutal kind of tragedy and I hope that the Senate would extend its concern and its regard to the two people and the family of the two people that were struck by this person's senseless bullets. I would hope that that would be true, Mr. President."

SECOND READING

SENATE BILL NO. 3386, by Senators Deccio, Hurley, Moore, Craswell, Gallagher, Bauer, Vognild, Sellar, Jones, Hughes, Scott, Woody, Hayner, Lee and Zimmerman:

Authorizing legislative review of agency rules by a joint select committee with power to suspend.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3386 was substituted for Senate Bill No. 3386 and the substitute bill was placed on second reading and read the second time in full.

Senator Deccio moved adoption of the following amendment by Senators Deccio, Craswell, Shipoch, Goltz, McDermott, Hansen and Quigg:

On page 8, after line 32, strike all of section 9 and insert:

"NEW SECTION. Sec. 9. There is added to chapter 34.04 RCW a new section to read as follows:

(1) When the legislature is not in session, the rules review committee may suspend an existing rule or delay the adoption of a proposed rule or any part thereof if the committee finds by a majority vote of its members that the rule has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature. The suspension of a rule or delay of a proposed rule by the rules review committee may not remain in effect beyond the thirtieth day of the next regular session of the legislature.

(2) The rules review committee shall provide the code reviser with a notice of any rule suspension or delay and a statement of the reasons therefor. The code reviser shall publish the committee's notice of suspension or delay and a statement of

the reasons therefor in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the notice and statement and to the issue of the Washington state register in which the full text thereof appears."

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, is this intended to be able to suspend an emergency rule also?"

Senator Deccio: "If it was not in compliance, yes."

Senator Rasmussen: "It does not indicate whatever I presume, would be all rules, emergency or otherwise."

Senator Deccio: "Excuse me, I did not understand what you said, Senator."

Senator Rasmussen: "I said just by reading the amendment it would indicate that it covers all rules, whether they be emergency or otherwise."

Senator Deccio: "That is right; the reason being that an emergency rule could be just as out of compliance as a rule or regulation which is done in its proper course and time."

Debate ensued.

The motion by Senator Deccio carried and the amendment was adopted.

Senator Lee moved adoption of the following amendment by Senators Lee, Shinpoch, McDermott and Deccio:

On page 17, after line 12 insert the following:

NEW SECTION. Sec. 20. There is added to chapter 44.28 RCW a new section to read as follows:

The legislature hereby reaffirms the necessity of developing a uniform and coordinated procedure for determining the expected fiscal impact of bills, rules, and resolutions on state and local government. The legislature also recognizes that developing such statements of fiscal impact, which shall be known as fiscal notes, requires the legislature to make an independent assessment of the fiscal impact of measures on state and local government. It is the intent of the legislature that the legislative budget committee develop the abilities to advise the legislature regarding the fiscal impact of proposed legislation and rules.

By January 1, 1982, the legislative budget committee shall, in cooperation with other appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills, rules, and resolutions which increase or decrease or tend to increase or decrease state or local government revenues or expenditures and report its findings to the rules review committee. Such examination of fiscal notes shall include an assessment of the accuracy of past fiscal notes by fiscal year and the impact for the remainder of the biennium in which the bill, rule, or resolution first took effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years.

In establishing the fiscal impact analysis called for pursuant to this chapter, the legislative budget committee shall propose a system to coordinate the development of fiscal notes with the office of financial management and all state agencies affected.

NEW SECTION. Sec. 21. There is added to chapter 44.28 RCW a new section to read as follows:

The rules review committee may request the legislative budget committee to prepare fiscal notes on the effects of bills or resolutions before the legislature and proposed rules. When a fiscal note is prepared and approved as to form, accuracy, and completeness by the legislative budget committee, which depicts the expected fiscal impact of a bill, rule, or resolution, copies shall be filed immediately with:

(1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means, or its successor;

- (3) The house committee on ways and means, or its successor;
- (4) The caucuses of each house of the legislature; and
- (5) The office of financial management.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill, rule, or resolution is first heard by the appropriate committee.

When a fiscal note has been prepared for a bill, rule, or resolution, a copy of the fiscal note shall be placed in the bill books or otherwise attached to the bill, rule, or resolution and shall remain with the bill, rule, or resolution throughout the legislative process insofar as possible.

NEW SECTION. Sec. 22. There is added to chapter 44.28 RCW a new section to read as follows:

The legislative budget committee shall also provide a fiscal note on any rule or legislative proposal at the request of any legislator. Such fiscal note shall be returned to the requesting legislator, and copies shall be filed under section 21 of this act at the time such rule is proposed or proposed legislation is introduced in either house.

NEW SECTION. Sec. 23. There is added to chapter 44.28 RCW a new section to read as follows:

Nothing in sections 20 through 22 of this act shall prevent the rules review committee from acting on any rule nor either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in sections 20 through 22 of this act or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.010;
- (2) Section 2, chapter 25, Laws of 1977 ex. sess., section 146, chapter 151, Laws of 1979 and RCW 43.88A.020;
- (3) Section 3, chapter 25, Laws of 1977 ex. sess., section 147, chapter 151, Laws of 1979, section 1, chapter 112, Laws of 1979 ex. sess. and RCW 43.88A.030;
- (4) Section 4, chapter 25, Laws of 1977 ex. sess., section 148, chapter 151, Laws of 1979 and RCW 43.88A.040; and
- (5) Section 5, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.900.

NEW SECTION. Sec. 25. Section 24 of this act shall take effect on January 1, 1982."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Hayner: "Senator Lee, do you have any idea what the fiscal impact of this might be, as far as the legislative budget committee is concerned? Does this mean that we would have to hire several new people?"

Senator Lee: "The fiscal impact on this, of course, is almost impossible to determine at this point because not every agency rule would necessarily have a fiscal impact, nor do we know how many rules would actually be reviewed.

"If the history of other states, putting in an agency review committee comes through, and the number of rules that are promulgated are reduced, the legislative budget committee could handle it with their current staff."

Debate ensued.

The motion of Senator Lee carried and the amendment was adopted.

MOTION

At 12:20 p.m., on motion of Senator Hayner, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, Senate Bill No. 3453 will be considered following Senate Bill No. 3055 on the Consent Calendar.

SECOND READING

SENATE BILL NO. 3456, by Senators Sellar and Talley:

Removing the requirement that certain certificates and licenses be filed with county officials.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3456 was substituted for Senate Bill No. 3456 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3456 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3456, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Absent and not voting: Senators Charnley, Conner, Craswell, Haley, McCaslin, Pullen—6.

SUBSTITUTE SENATE BILL NO. 3456, 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 Clarke, the Senate resumed consideration of Substitute Senate Bill No 3386 as amended earlier today.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3386, by Committee on State Government (originally sponsored by Senators Deccio, Hurley, Moore, Craswell, Gallagher, Bauer, Vognild, Sellar, Jones, Hughes, Scott, Woody, Hayner, Lee and Zimmerman):

Authorizing legislative review of agency rules by a joint select committee with power to suspend.

On motion of Senator Lee, the following amendments to the title were adopted:

On page 1, line 17 of the title, after "RCW;" strike "and" and insert "adding new sections to chapter 44.28 RCW;"

On page 1, line 17 of the title, after "sections" and before the period insert "; repealing section 2, chapter 25, Laws of 1977 ex. sess., section 146, chapter 151, Laws of 1979 and RCW 43.88A.020; repealing section 3, chapter 25, Laws of 1977 ex. sess., section 147, chapter 151, Laws of 1979, section 1, chapter 112, Laws of 1979 ex. sess. and RCW 43.88A.030; repealing section 4, chapter 25, Laws of 1977 ex. sess., section 148, chapter 151, Laws of 1979 and RCW 43.88A.040; repealing section 5, chapter 25, Laws of 1977 ex. sess. and RCW 43.88A.900; and providing an effective date"

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 3386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3386, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallaghan, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Conner, Hemstad, Lysen, Rasmussen, Williams—5.

Excused: Senator Haley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3386, 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 Clarke, the Senate commenced consideration of Senate Bill No. 3646.

SECOND READING

SENATE BILL NO. 3646, by Senator Rasmussen:
Revising laws regulating professional athletic contests.

REPORT OF STANDING COMMITTEE

February 12, 1981.

SENATE BILL NO. 3646, revising laws regulating professional athletic contests (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, after line 10, insert a new section as follows:

"NEW SECTION. Sec. 11. The state boxing commission and its powers and duties shall terminate June 30, 1987, unless otherwise provided by law."

Renumber remaining sections accordingly.

On line 16 of the title, after "RCW 67.08.140;" insert "adding a new section;"

On line 19, after "43.131.170;" add "providing an expiration date;"

Signed by: Senators Rasmussen, Chairman; Fleming, Lee, Moore.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3646 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3646, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Charnley, Moore, Talmadge—3.

Absent or not voting: Senator Talley—1.

Excused: Senator Haley—1.

ENGROSSED SENATE BILL NO. 3646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3745, by Senators Wilson and Hemstad (by State Library request):

Relating to the state library newspaper collection.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 3745 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3745, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Haley—1.

SENATE BILL NO. 3745, 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 Clarke, Senate Bill No. 3552 will be considered following Senate Bill No. 3184.

SECOND READING

SENATE BILL NO. 3784, by Senators Sellar, Zimmerman and Talley (by Secretary of State request):

Revising laws relating to filing and recording documents.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 3784 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3784, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Jones—1.

Excused: Senator Haley—1.

SENATE BILL NO. 3784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4033, by Senator Scott (by State Auditor request):
Establishing an auditing services revolving fund.

REPORT OF STANDING COMMITTEE

March 12, 1981.

SENATE BILL NO. 4033, establishing an auditing services revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 9, after "months" insert:

": PROVIDED, That the director of the Office of Financial Management shall establish a committee of at least three certified public accountants with private sector audit experience to prepare general guidelines governing procedures to be used in determining audit costs and standards for measuring auditor productivity. These proposed procedures and productivity standards shall be presented for review by the House and Senate Committees on Ways and Means prior to the 1982 regular session of the legislature"

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Gaspard, Haley, Hughes, McDermott, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4033, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—45.

Voting nay: Senators Bottiger, Shipoch, Woody—3.

Excused: Senator Haley—1.

ENGROSSED SENATE BILL NO. 4033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4319, by Senators Fuller and Hemstad:

Authorizing certain counties to provide for the taking and keeping of records of the board of county commissioners.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 4319 was substituted for Senate Bill No. 4319 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 4319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4319, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator McCaslin—1.

Excused: Senator Haley—1.

SUBSTITUTE SENATE BILL NO. 4319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hurley: "Mr. President and members of the Senate, I feel really bad because of the press of time requires us to do business as usual at a time when our President has just come out of surgery and his press secretary is in extremely serious condition, oh, worse than that.

"I ask the Senate to rise for a moment of silent prayer for all of those who were affected."

The Senate observed a moment of silence.

SECOND READING

SENATE BILL NO. 3018, by Senators Talley, Lee and Quigg:

Updating provisions allowing state credit unions to exercise powers conferred on federal credit unions doing business in state.

REPORT OF STANDING COMMITTEE

March 18, 1981.

SENATE BILL NO. 3018, updating provision allowing state credit unions to exercise powers conferred on federal credit unions doing business in state (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, add a new section following section 1 as follows:

"NEW SECTION. Sec. 2. There is added to chapter 31.12 RCW a new section to read as follows:

Notwithstanding any other provision of law, the supervisor may make reasonable rules authorizing a credit union to exercise any of the powers conferred at the time of the adoption of the rules upon a federal credit union doing business in this state if the supervisor finds that the exercise of the power:

- (1) Serves the convenience and advantage of depositors and borrowers; and
- (2) Maintains the fairness of competition and parity between state-chartered credit unions and federally-chartered credit unions."

Renumber the remaining section.

In line 2 of the title, after the ";" insert "and adding a new section to chapter 31.12 RCW;"

Signed by: Senators Sellar, Chairman; Bauer, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment was adopted.

On motion of Senator Sellar, the committee amendment to the title was adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3018 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3018, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Shinpoch—1.

Excused: Senator Haley—1.

ENGROSSED SENATE BILL NO. 3018, 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.

EXPLANATION OF VOTE

Due to confusion which arose when the President of the Senate announced that the body was voting on Senate Bill 3118, I voted "nay." In fact, the Senate was voting on SB 3018, in which case my vote would have been "yea."

Signed: Senator A.N. "Bud" Shinpoch

SECOND READING

SENATE BILL NO. 3118, by Senators Gaspard and Sellar:

Permitting any port district to appoint police officers.

MOTIONS

Senator Zimmerman moved Substitute Senate Bill No. 3118 be substituted for Senate Bill No. 3118 and the substitute bill be placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Pullen: "Senator Zimmerman, could you explain some of the differences between the original bill and the substitute bill? I am sorry to catch you unawares, but I was just reading the digest and got interested in this particular subject matter; and before we make a routine motion substitute, I just thought it might be helpful at this point, before we go further, to get a little bit of clarification."

Senator Zimmerman: "We added the ports of entry so that it would include those communities that are, have been designated ports of entry rather than the original way when it was . . ."

Senator Pullen: "So this would narrow it down, then? The substitute bill would narrow it down?"

Senator Zimmerman: "It narrows it down, at the same time it does include some people that probably otherwise might not, well, the ports of entries may not have airports, of course."

Senator Pullen: "I am sorry I did not check this out with you before I asked the question; but could you give me some of the ports of entry that. . ."

Senator Zimmerman: "I wish I had my sheet, I've got one of the most interesting lineup of names, and it isn't included in my packet, but it is small communities all along the Canadian border that go all the way back to North Dakota and Minnesota. We found communities that are almost as small as Wishram, formerly Senator Wilson's old communities of Pembina and others in North Dakota that are included. It is a fine list of ports of entry but of course in the state of Washington they are mostly up above Okanogan county and above Whatcom county; but the bill primarily does deal primarily with the one port, namely, of SeaTac."

REMARKS BY SENATOR TALLEY

Senator Talley: "I think I could answer that question. A port of entry is any place where they maintain a customs' office and you can declare and pay duty."

The motion by Senator Zimmerman carried. Substitute Senate Bill No. 3118 was substituted for Senate Bill No. 3118 and the substitute bill was placed on second reading and read the second time in full.

MOTION

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Gaspard, under the provisions of the bill, would the port of Seattle be entitled to have a police force in addition to the police force that operates for the airport, down on the docks in Seattle?"

Senator Gaspard: "The port of Seattle already can have a police force as defined by statute.

"I might point out, it says right here in the statute, RCW 53.08.280, that 'Any port district operating an airport with a police department as authorized . . .' They are already allowed to do it."

Debate ensued.

MOTION

On motion of Senator Pullen, Substitute Senate Bill No. 3118 was ordered placed on the Consent Calendar on third reading for March 31, 1981.

SECOND READING

SENATE BILL NO. 3184, by Senators Gould, Ridder and Kiskaddon:
Creating the family day care home registration pilot project.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 3184 was substituted for Senate Bill No. 3184 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, the rules were suspended, Substitute Senate Bill No. 3184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3184, and the bill failed to pass the Senate by the following vote: Yeas, 16; nays 31; absent or not voting, 1; excused, 1.

Voting yea: Senators Charnley, Fleming, Gould, Hemstad, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Rasmussen, Scott, Sellar, Talmadge, Williams, Wojahn—16.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Jones, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Quigg, Ridder, Shinpoch, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—31.

Absent or not voting: Senator Talley—1.

Excused: Senator Haley—1.

SUBSTITUTE SENATE BILL NO. 3184, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 3552, by Senators Vognild, Goltz and Jones (by Department of Employment Security request):

Conforming with federal unemployment compensation legislation.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Quigg:

On page 17, line 2 there is hereby added chapter 50.04 RCW a new section 50.04.165 to read as follows:

"If so requested by the employee, services performed after September 30, 1981 in the capacity of corporate officers may not be considered services in employment. This exemption shall not apply to services performed by corporate officers that are covered by chapter 50.44 RCW."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Bottiger, do these corporate officers who are covered under this fund, this amendment does not ask, receive any benefits under any circumstances covered by this act?"

Senator Bottiger: "Absolutely; if a corporation goes out of business, they can go down and draw their unemployment comp."

Senator Bottiger demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Clarke, Senate Bill No. 3552, together with the amendment by Senators Pullen and Quigg and moved for adoption by Senator Pullen, was ordered held for consideration during the evening session.

MOTION

On motion of Senator Bluechel, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 3187, by Senators Wilson, Zimmerman and Charnley:

Specifying the manner of service for writs of garnishment and changing the fees collected for various services performed by sheriffs and their deputies.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3187 was substituted for Senate Bill No. 3187 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3187 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3187, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen,

McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Excused: Senators Haley, Patterson—2.

SUBSTITUTE SENATE BILL NO. 3187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3309, by Senators Moore, Guess, Talmadge, Jones and Vognild:

Giving building warden immunity from liability for acts arising from assigned duties.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3309 was substituted for Senate Bill No. 3309 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3309, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Haley, Patterson—2.

SUBSTITUTE SENATE BILL NO. 3309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3320, by Senators Clarke, Wojahn and Sellar:

Prescribing procedures for conversion of mutual savings banks to capital stock savings banks.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 3320 was substituted for Senate Bill No. 3320 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 3320 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3320 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Metcalf, Vognild—2.

Absent or not voting: Senator Hemstad—1.

Excused: Senators Haley, Patterson—2.

SUBSTITUTE SENATE BILL NO. 3320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3351, by Senators Gaspard, Kiskaddon and Bauer:

Authorizing educational service districts to establish direct student service program.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3351 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, I did hear that we were abolishing the educational service district, there was going to be no operating funds for them. Here you are expanding them and making them a separate school district. I fail to understand, it would seem like these educational service districts are trying to develop new things to keep them in existence and they just barely stayed in existence for the last two or three sessions and I think that they are going out of existence now.

"Nobody has ever said that they do anything that is vital; I have talked with numerous school teachers and they say it is a duplication of service.

"I wish you would have some answers. I am inclined to vote 'no' on this bill."

Senator Gaspard: "Thank you, Senator Rasmussen. I wish Senator Scott were here and maybe he could answer your questions whether or not ESD is going to be in the budget, whether or not we are going to eliminate them from the educational system that we currently have in the state of Washington.

"Senator Rasmussen, this is nothing but permissive legislation; it will take a request from the school board, the local school board and the superintendent to request the ESDs to conduct these student services that are needed by the students, and many of them are required by law, but are not economically feasible for the local districts to handle because of the too few students involved in the programs.

"I might also point out to you, Senator Rasmussen, that this does not mean an additional appropriation because the local school districts would have to contract with the ESD and that would be part of their general fund appropriation that they receive from the state."

REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, in further reply to Senator Rasmussen, I would guess or speculate that the teachers you talked to who see little value of the ESDs may be substantially from Tacoma. It is true that large metropolitan school districts have relatively little need for ESDs because they can afford most of the specialized resources they need by themselves.

"The important function that ESDs serve in rural areas and in the small cities and towns, is that they can make available the services of therapists, psychologists, and other specialists on a cooperative basis, to numerous small districts, none of which could afford to maintain those specialized services themselves."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3351, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Quigg, Ridder, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Rasmussen, Scott, Shinpoch—3.

Absent or not voting: Senators Pullen, Talley—2.

Excused: Senators Haley, Patterson—2.

SENATE BILL NO. 3351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3358, by Senators Hansen, Gaspard, Wilson and Jones: Modifying delinquency provisions on irrigation district assessments.

REPORT OF STANDING COMMITTEE

February 26, 1981.

SENATE BILL NO. 3358, modifying delinquency provisions on irrigation district assessments (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendment:

On page 4, beginning on line 26, strike "current expense fund" and insert "~~((current expense fund))~~ treasurer's operation and maintenance fund"

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

The bill was read the second time by sections.

On motion of Senator McCaslin, the committee amendment was adopted.

On motion of Senator Shinpoch, the following amendment was adopted:

On page 2, line 22, after "of" strike "ten" and insert "~~((ten))~~ twelve"

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 3358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3358, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Craswell, Hemstad—2.

Excused: Senators Haley, Patterson—2.

ENGROSSED SENATE BILL NO. 3358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3527, by Senators Conner and Fuller:
Regulating the transportation and harvesting of firewood.

MOTIONS

On motion of Senator Bluechel, Senator Newhouse was excused.

On motion of Senator Gallagher, Substitute Senate Bill No. 3527 was substituted for Senate Bill No. 3527 and the substitute bill was placed on second reading and read the second time in full.

Senator Talmadge moved adoption of the following amendment:

On page 3, line 13, strike "ten cubic feet" and insert "one-half cord"

POINT OF INQUIRY

Senator Woody: "Senator Talmadge, for my information, could you tell me how many cubic feet a half a cord would be, approximately?"

Senator Talmadge: "A cord is four by four by eight, my recollection. That is, whatever half of four by four by eight is. Sixty-four, my mathematical expert says."

POINT OF INQUIRY

Senator Talley: "Senator Quigg, in your district you have a vast amount of beach and about half of the people get their wood off that beach. This would say they couldn't take it home, they could not go cut it. How are you going to answer to them?"

Senator Quigg: "Are you speaking to the matter of fire wood over eight feet in length or fire wood on the beach that is under eight feet in length? Senator, there is some of that wood that is covered by the DNR's salvage law as it stands right now, anyway, so that we have a statute that applies to the merchantable timber that is cut up on the beach already."

Senator Talley: "Well, this is not merchantable timber, they have mostly drift-wood; it is good for nothing else. They could not even cut this and take it home; I think you and Senator Fuller will both be in serious trouble if this bill ever passes."

The motion by Senator Talmadge carried and the amendment was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Substitute Senate Bill No. 3527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Conner, where do you go to get this permit and what entails getting a permit like this?"

Senator Conner: "Well, I am not sure exactly what the bill says. I do know that living in an area, the Olympic peninsula, where it is 109 miles this way, and it is 132 miles the other way, on highway 101, we have a tremendous outburst of the stealing of timber and of slash and we have a real problem on the Olympic peninsula; and this is an attempt and this bill that we have is a substitute bill which was changed after it was put in the original bill in attempting to get all peoples' versions and the bill that we have out in attempting to address this particular problem, this seems to be a growing siege in our area, particularly as electrical prices are rising.

"And so when you talk about having a problem like this and not doing something about it, I do think it is time that we do address the problem, and this bill was an attempt by those who had made some question marks when I put in the first bill, in changing this measure to make it applicable."

Further debate ensued.

MOTION

Senator Rasmussen moved Engrossed Substitute Senate Bill No. 3527 be referred to the Judiciary Committee.

Debate ensued.

The motion by Senator Rasmussen carried and Engrossed Substitute Senate Bill No. 3527 was rereferred to the Judiciary Committee on a rising vote.

SECOND READING

SENATE BILL NO. 3582, by Senators Lee, Moore, Kiskaddon and Ridder:
Providing for reports of abuse of dependent elderly persons.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3582 was substituted for Senate Bill No. 3582 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 3582 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Senator Lee, what provisions are being made in the budget to take care of these persons if, in fact, they are abused by members of their family, because they will have to be gotten out of that situation and obviously they are going to have to have some social services; and I can see it coming now with the cutback in social services, with the cutback in assistance for senior citizens through chore services, etc., more and more families are going to have to take in their senior citizens or older mothers and dads. And this is going to create a situation, I am afraid, where there will be abuse by family members and somehow it appears to me that money is going to have to be provided to take care of these abused seniors when it does occur.

"Now can you answer the question of what kind of money is being put in the budget to take care of this problem, if it does occur?"

Senator Lee: "It seems to me that there are two parts to that question, one, as to whether or not services would be available if those individuals requested them, and the answer to that question is 'yes.'

"The next question is 'will the budget provide enough funds to provide those additional protective services' and I believe that it will."

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, I am looking at page 7, new section, Sec. 7. 'The legislature finds that there are a number of adults sixty years of age or older who lack the ability to perform or obtain those services necessary to maintain or establish their well-being. It is the intent of the legislature to prevent or remedy the abuse, neglect, exploitation, or abandonment of persons sixty years of age or older . . .' Senator Lee, I am in that age bracket."

Senator Lee: "Yes sir."

Senator Rasmussen: "My concern is, if I were one of these persons unable to obtain the services, could I charge the legislature with abuse, and would it stand up in court under this law?"

Senator Lee: "Not a body, if a person, a legislator had physically abused you, then you could."

"Why don't you turn to page 8, the new section, which gives the definitions and all of those terms that you read to us, 'abandonment,' 'abuse,' 'consent,' 'exploitation,' and so on, are defined there; and I think that was really your question as to what the definition of those words would be, and that is in section 8."

Senator Rasmussen: "Thank you, Senator Lee. I am looking at section 8. 'Abandonment' means leaving a vulnerable adult without the means or ability to obtain food, clothing, shelter, or health care.' That would make it very clear that if any of these people in that age bracket, it would seem to me, could sue the legislature for abuse under this law."

Senator Lee: "If I am not mistaken, you would sue the state for fault, and that, of course, would have to be established by a court of law. And we passed a bill the other day which said that the, 'in case of frivolous suits, that whoever lost would have to pay the fee.' So it would have to be a well-founded suit."

Senator Rasmussen: "I understand that, and Evergreen Legal Services loves those suits because most people do not have anything to pay the court charges or anything like that, so it is not really classed as frivolous. I think we are leaving the legislature wide open . . ."

Senator Lee: "You mean the state of Washington."

Senator Rasmussen: "We are the state. And thank you, Senator Lee."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3582, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognilid, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Conner—1.

Absent or not voting: Senators Hayner, Scott, Zimmerman—3.

Excused: Senator Haley—1.

SUBSTITUTE SENATE BILL NO. 3582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3626, by Senator Peterson:

Providing for the future termination of the forest practices appeals board.

MOTIONS

On motion of Senator Bluechel, Senator Zimmerman was excused.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 3626 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3626, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lysen—1.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3737, by Senators Lee, Goltz and Haley:

Modifying the administration of winter recreation activities.

REPORT OF STANDING COMMITTEE

March 19, 1981.

SENATE BILL NO. 3737, modifying the administration of winter recreation activities (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, following line 1, add the following new section.

"NEW SECTION. Sec. 7. This act shall take effect on July 1, 1981."

On page 1, line 9, after "43.51.330;" strike "and" and on line 10, after "43.51-.340" and before the period insert "creating a new section; and providing an effective date."

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg.

The bill was read the second time by sections.

On motion of Senator Fuller, the committee amendments were considered and adopted simultaneously.

On motion of Senator Fuller, the rules were suspended, Engrossed Senate Bill No. 3737 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3737, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

ENGROSSED SENATE BILL NO. 3737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3780, by Senators Wojahn, Clarke and Moore (by Department of Licensing request):

Revising the Securities Act.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 3780 was substituted for Senate Bill No. 3780 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sellar, the rules were suspended, Substitute Senate Bill No. 3780 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Shinpoch: "Senator Wojahn, does the amending language in RCW 21.20.430 containing the new subsection (7) apply to the Washington health care facilities authority?"

Senator Wojahn: "Yes, it does, as a state agency, the health care facilities authority will be subject to the provisions of the new subsection, subsection (7). There was some question on it because the, whether it was a state agency or a political subdivision, but it is a state agency; it is qualified as such because of the problems with WPPSS."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3780, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SUBSTITUTE SENATE BILL NO. 3780, 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 Clarke, Senate Concurrent Resolution No. 107 was ordered held for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3019, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

Repealing obsolete provisions relating to probation counselors.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3019 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3019, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3020, by Senators Rasmussen and Deccio (by Legislative Budget Committee request):

Revising procedures for forms management.

REPORT OF STANDING COMMITTEE

January 29, 1981.

SENATE BILL NO. 3020, revising procedures for forms management (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

On page 1, line 21, after the period insert a new sentence as follows: "The term "state agency" does not include the legislative or judicial branches of government."

Signed by: Senators Rasmussen, Chairman; Benitz, Fleming, Gallagher, Lee, McDermott, Moore.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 3020 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3020, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

ENGROSSED SENATE BILL NO. 3020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3055, by Senators Wilson, Hayner, Hansen and Lee:
Exempting certain intra-family transfers from the real estate excise tax.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 3055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3055 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3453, by Senators Hurley, Goltz, and Zimmerman:

Providing for the renovation, redevelopment, maintenance, and operation of state parks.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3453 was substituted for Senate Bill No. 3453 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 3453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3453, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Bottiger, Metcalf—2.

Excused: Senators Haley, Zimmerman—2.

SUBSTITUTE SENATE BILL NO. 3453, 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 Clarke, Senate Bill No. 3290 was ordered held for consideration during the evening session.

SECOND READING

SENATE BILL NO. 3293, by Senators Vognild, Clarke, Bluechel, Gaspard, Hansen, Haley, Gallagher, Quigg and Talmadge (by Senate Oversight Committee on Arson request):

Granting police powers to arson investigators.

REPORT OF STANDING COMMITTEE

March 17, 1981.

SENATE BILL NO. 3293, granting police powers to arson investigators (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "notified of" insert "and investigate"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Senate Bill No. 3293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3293, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—46.

Voting nay: Senator Wilson—1.

Excused: Senators Haley, Zimmerman—2.

ENGROSSED SENATE BILL NO. 3293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3295, by Senators Vognild, Hansen, Gaspard, Clarke, Bluechel, Peterson, Quigg, Rasmussen, Talmadge, Pullen, Haley and Gallagher (by Senate Oversight Committee on Arson request):

Modifying provisions on arson.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3295 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3295, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3297, by Senators Vognild, Gaspard, Hansen, Quigg and Gallagher (by Senate Oversight Committee on Arson request):

Permitting anti-arson requirements to be met for issuing or continuing fire insurance policies.

REPORT OF STANDING COMMITTEE

February 5, 1981.

SENATE BILL NO. 3297, permitting anti-arson requirements to be met for issuing or continuing fire insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 5 after "mortgage" add "or contract"

Signed by: Senators Wojahn, Chairman; Bauer, Bottiger, Clarke, Shinpoch.

The bill was read the second time by sections.

On motion of Senator Vognild, the committee amendment was adopted.

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 3297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, I was looking here at the digest, 'structures on which property taxes have not been paid for more than two years,' and that would be reason for the insurance company to cancel insurance?"

Senator Vognild: "That was one of a series which must be used in order for them to apply for permission to cancel within five days."

Senator Rasmussen: "That is kind of a wide-open provision. I know several places where the taxes are not paid, the buildings are occupied, for some reason or other, the owner has not been able to come up with the taxes; and they are liable to use that as a means of cancelling out."

Senator Vognild: "Senator, I believe that is possible, however, this basis for this legislation comes from two different reports in regards to the common factors that relate it to serious arson fires and arson-for-profit fires. And on that basis I feel that we are safe with what we have here; the insurance commissioner has the final say. And I do not believe that he will allow cancellation of, for that one reason if there is not something else to back it up with."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3297, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody—44.

Voting nay: Senators Rasmussen, Williams, Wilson—3.

Excused: Senators Haley, Zimmerman—2.

ENGROSSED SENATE BILL NO. 3297, 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

At 4:02 p.m., on motion of Senator Clarke, the Senate recessed until 6:30 p.m.

EVENING SESSION

The President called the Senate to order at 6:30 p.m.

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

MESSAGE FROM THE HOUSE

March 30, 1981.

Mr. President: The House has passed: SENATE BILL NO. 3213, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 19.

SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 3213.

MOTION

On motion of Senator Clarke, Senate Bill No. 3552 will be considered following Senate Bill No. 3424.

SECOND READING

SENATE BILL NO. 3299, by Senators Hemstad and Conner:
Providing for the preservation of access to public lands.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3299 was substituted for Senate Bill No. 3299 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3299, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SUBSTITUTE SENATE BILL NO. 3299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3355, by Senators Hansen, Deccio, Gaspard, Wilson and Jones (by Department of Agriculture request):

Making miscellaneous changes in laws regulated by department of agriculture or director thereof.

REPORT OF STANDING COMMITTEE

March 11, 1981.

SENATE BILL NO. 3355, making miscellaneous changes in laws regulated by the state department of agriculture or director thereof (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

On page 8, beginning on line 10, strike all of the material down through "director" on line 18 and insert:

"The director ((and)) may require the governing body of counties, cities, towns and irrigation and school districts ((shalt)) or other political subdivisions of the state to disinfect or destroy all infected trees, ((or)) shrubs, or other nursery stock growing upon public property within their respective jurisdictions, ((and they may expend funds of their county, city, town or district in carrying out the provisions of this section. The director may compel compliance herewith by an action in the name of the state upon the relation of the director)) or the director may disinfect or destroy such infected trees, shrubs, or other nursery stock."

On page 13, beginning on line 9, insert the following amendatory section:

"Sec. 13, Section 15.60.150, chapter 11, Laws of 1961 and RCW 15.60.150 are each amended to read as follows:

No person shall wilfully or maliciously kill honey bees, or, for the purpose of injuring honey bees place any poisonous or sweetened substance in a place where it is accessible to them within this state.

Any person who violates any provision of this section shall be (~~fined not less than ten or more than one hundred dollars~~) guilty of a misdemeanor."

Renumber remaining sections accordingly.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

The bill was read the second time by sections.

Senator McCaslin moved adoption of the committee amendment to page 8.

POINT OF INQUIRY

Senator Goltz: "Senator Hansen, section 6, the language has been changed so that the director of agriculture now directs the local government to destroy the various plants if they are infected. I wonder, under initiative 62, whether the state maintains an obligation if the director of agriculture directs the local jurisdiction to destroy those plants?"

Senator Hansen: "I think the department of agriculture will be the one doing the destroying if they find infected plants."

Senator Goltz: "So it would be done at state expense in any case?"

Senator Hansen: "Yes, it will be a state expense instead of a local expense."

The motion by Senator McCaslin carried and the committee amendment to page 8 was adopted.

Senator Hansen moved adoption of the committee amendment to page 13.

POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, I have a brother-in-law that is in the beehive business and I mean, he is in the business, so I am not anti-beehive. But if I get my fly swatter out and swat a honey bee, am I going to be guilty of a misdemeanor?"

Senator Hansen: "No, this is by poison, by deliberately spraying apiary . . ."

Senator Bottiger: "I am trying to find the amendment, Senator; is that spelled out in the amendment?"

Senator Hansen: "No, it is not spelled out in the amendment. I would hope that anybody that has an infestation of honey bees could go to the owner and get him to move the apiaries on health reasons."

Senator Bottiger: "Well, you and I know that actually you can call up somebody in the beehive business and if you have a swarm in your yard, they will come get it and in some cases even pay you for it."

Senator Hansen: "Yes, that is right."

Senator Bottiger: "But if somebody not that knowledgeable were to get a can of Black Flag out and; can we set this bill down one to make sure this amendment is written so that we are not creating crimes where. . ."

Senator Hansen: "Help yourself."

MOTION

On motion of Senator Bottiger, Senate Bill No. 3355, together with the adopted committee amendment to page 8 and the committee amendment to page 13 moved for adoption, was ordered held following consideration of Senate Bill No. 3424.

SECOND READING

SENATE BILL NO. 3424, by Senator Moore (by Department of Social and Health Services request):

Exempting prisoners transferred outside the state for personal security from the notice of transfer requirement.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 3424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, a little bit concerned as to how far this bill goes in keeping secrets. There are some countries, you know, once a prisoner is transferred you never hear of him again. And this doesn't say whether the family would be notified or if anybody will be notified where this prisoner is transferred, how far he's gone, whether . . ."

Senator Deccio: "I would expect, the only thing the bill does, Senator, is the information does not have to be given to the press so that there would be news coverage on the transfer. I am sure that the family would know, or any interested parties particularly family, would know where he has gone, except that the records do not have to be disclosed to the public."

Senator Rasmussen: "That raises other questions in my mind; of course the press is your best protection and I do not know, were there any arguments in the committee at the time they considered this?"

Senator Deccio: "No there was not; it was a departmental request, apparently this is standard procedure in many states now that when prisoners are transferred for their own safety, that they do not have to disclose this, or make public knowledge the fact that a prisoner has been transferred.

"I would imagine it is probably just for the short term while the person is being transferred, because I am sure, after a while, that news is going to get out. Apparently, it is for the protection of the prisoner during that short period that he is in transit from one institution to another. That is the basic purpose. So someone's 'friends' on the outside won't be a greeting committee while he is coming out of the institution."

POINT OF INQUIRY

Senator McDermott: "Senator Deccio, is it the legislative intent that the move which is supposed to be made for personal security is determined by the inmate?"

Senator Deccio: "By the superintendent."

Senator McDermott: "By the superintendent, so he makes the determination."

Senator Deccio: "If the superintendent believes that it is in the best interest of the safety of the prisoner, and this deals with only a notice of transfer, which I expect means that they do not publish before the transfer is made that the prisoner is going to be public. I assume that after the transfer has been made and he is at his new destination, then it is not a problem; it is only during the time that the notice is made that he is going to be transferred, as I understand the bill."

Senator McDermott: "So if I understand correctly then, there is no intention to keep his family or people that he wants to know where he is, or she. . ."

Senator Deccio: "Yes, that is right."

Senator McDermott: ". . . to know his whereabouts."

Senator Deccio: "It deals with the notice of transfer."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3424, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—40.

Voting nay: Senators Conner, Fleming, Hemstad, Hurley, Lysen, McDermott, Wilson—7.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3424, 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 Clarke, Senate Bill No. 3355 will be held for further consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3530, by Senators Rasmussen and Gould (by State Treasurer request):

Requiring further public disclosures for state treasurer and candidates for state treasurer.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 3530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Rasmussen, I guess I would like to have an explanation of why copies of income tax returns, statements of net worth, why is the state treasurer asking for this legislation?"

Senator Rasmussen: "Well, I think the question arose during the last campaign in which several of the opponents bandied around the fact the state treasurer, or inferred that he had extensive property holdings outside of the state."

Senator Deccio: "Which candidate was this?"

Senator Rasmussen: "A candidate for office of state treasurer."

Senator Deccio: "Okay, go ahead."

Senator Rasmussen: "I could not remember the name, I know the present city treasurer, I cannot remember the name of the opponent."

Senator Deccio: "Does this bill just apply to the state treasurer?"

Senator Rasmussen: "It does at the present time, yes."

Senator Deccio: "And he is a Democrat?"

Senator Rasmussen: "I think he is one of the better Democrats, he just got reelected."

Senator Deccio: "I have no problems, Mr. President."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3530, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—39.

Voting nay: Senators Benitz, Hayner, Hemstad, Moore, Patterson, Pullen, Sellar, Wilson—8.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3589, by Senators Talley and Guess (by Utilities and Transportation Commission request):

Revising certain laws governing the promulgation and distribution of transportation tariffs.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 3589 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3589 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Haley, Zimmerman—2.

SENATE BILL NO. 3589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3595, by Senators Williams and Gould (by Utilities and Transportation Commission request):

Permitting public service companies to sell, lease, or otherwise dispose of property to municipal corporations without authorization of the utilities and transportation commission.

REPORT OF STANDING COMMITTEE

March 18, 1981.

SENATE BILL NO. 3595, permitting public service companies to sell, lease, or otherwise dispose of property to municipal corporations without authorization of the utilities and transportation commission (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, strike "municipal corporation" and insert "special purpose district as defined in RCW 36.96.010, city, county, or town"

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Hemstad, Hurley, Moore, Quigg, Williams, Wilson, Woody.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendment was adopted.

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 3595 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3595, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3639, by Senators McDermott, Rasmussen and Gallagher (by State Auditor request):

Modifying provisions relating to the state auditor.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 3639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3639, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 3639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3641, by Senators Ridder, Bauer and Zimmerman (by Department of Employment Security request):

Permitting penalties and interest on late reports and contributions relating to social security coverage of government employees.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3641 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3641, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senator Talley—1.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 3641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3743, by Senators Gallagher, Rasmussen and Scott (by Department of Retirement Systems request):

Modifying the judicial retirement for disability statutes.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3743 was substituted for Senate Bill No. 3743 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, the rules were suspended, Substitute Senate Bill No. 3743 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3743, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Newhouse—1.

Absent or not voting: Senator Hemstad—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3834, by Senators Clarke, Wojahn and Bauer (by Insurance Commissioner request):

Revising laws regulating agents of title insurers.

REPORT OF STANDING COMMITTEE

March 18, 1981.

SENATE BILL NO. 3834, revising laws regulating agents of title insurers (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, after "own" insert "or lease"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment was adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3834 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3834, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Charnley, Moore, Talmadge, Vognild—4.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3867, by Senator Goltz:

Revising air pollution control procedure.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3867 was substituted for Senate Bill No. 3867 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the following amendment was adopted:

On page 1, line 8, after "an" strike the remainder of the sentence and insert "air pollution control system which permits aggregate measurements of allowable emissions, for a single category of pollutant, for emissions points from a specified

emissions-generating facility or facilities. Individual point source emissions levels from such specified facility or facilities may be modified provided that the aggregate limit for the specified sources is not exceeded."

On motion of Senator Fuller, the rules were suspended, Engrossed Substitute Senate Bill No. 3867 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3867, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Charnley, Lysen, Talmadge—3.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3872, by Senator Hansen:

Exempting certain commodity commissions from state civil service and personal service contract requirements.

The bill was read the second time by sections.

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 3872 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3872, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Lysen, Shinpoch, Talmadge—3.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 3872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3895, by Senators Woody, Metcalf and Fuller:
Clarifying laws regulating initiatives and referendums.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 3895 was substituted for Senate Bill No. 3895 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the following amendment was adopted:

On page 2, line 4, after "state" insert ", either individually or on behalf of an organization."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 3895 was advanced to third reading, the Second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3895 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3925, by Senators Wojahn, Clarke and Bauer (by Department of General Administration request):

Interest paid on certain accounts.

The bill was read the second time by sections.

There being no objection, on motion of Senator Wojahn, an amendment to page 2, line 34 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 3925 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Sellar, as I recall in the committee hearing, is this not the same bill that, in the process of being able to issue money market accounts, these terms would have to be licensed as banks and meet the requirements the banks meet under state statute?"

Senator Sellar: "Yes, that is correct."

Senator Lysen: "So what would the effect of that be?"

Senator Sellar: "I will yield to Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "This simply permits banks to, in effect, compete with, issue the same kind of money market certificates that the various brokerage houses are now issuing. But they have to be a bank, that is the reason for the requirement. It

simply enables the banks, in effect, to compete for all of this money market money that is now going out of the state."

POINT OF INQUIRY

Senator Lysen: "I have no objection to that, Senator Clarke, but what I am concerned about is to require brokerage houses now to become themselves licensed as banks. Is that inaccurate?"

Senator Clarke: "That is not my understanding. The understanding is, simply empowering the banks to have the same authority that the brokerage houses do."

Senator Lysen: "So that section requiring brokerage houses to become, in effect, banks, has been taken out, is that right?"

Senator Clarke: "I don't recall that it was ever in there."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "They don't have to ever become banks. It is just to make the banks more competitive with brokerage houses and to deal in the money market and to take advantage of money that is available.

"But first before it can even happen, the Federal government has to relax regulations, too, which they have not done, so they cannot even do it yet. It is being done in other areas, few money markets but not in the banking area."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3925, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody—39.

Voting nay: Senators Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Shinpoch, Talmadge, Williams—9.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 3925, 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.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3928 will be held for consideration on March 31, 1981.

On motion of Senator Hemstad, Senate Bill No. 4037 will be held for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 4080, Senators Wilson, Guess and Sellar:

Implementing monthly tonnage purchases.

The bill was read the second time by sections.

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 4080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4080, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody.

Excused: Senator Zimmerman.

SENATE BILL NO. 4080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4209, by Senators Fuller and Charnley:

Modifying procedures for forming and financing local improvement districts.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 4209 was substituted for Senate Bill No. 4209 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 4209 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4209, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lysen, McDermott, Metcalf, Rasmussen—4.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 4209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4309, by Senator Quigg:

Implementing law relating to students living in nonhigh districts and attending high schools and nonhigh districts' contributions to high school districts for capital fund aid.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4309 was substituted for Senate Bill No. 4309 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 4309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Quigg, the impression I get from the digest is that this bill relates only to the nonhigh districts' contributions to building programs in high school districts and does not relate to the operating money that it would send along with a student, regardless of which high school district he or she attended. Is that correct?"

Senator Quigg: "That is correct."

Senator Wilson: "So that a nonhigh district might designate high school district 'A' as its official district, and would contribute to building programs in district 'A' but if, for one reason or another, students in the nonhigh district wish to attend high school district 'B' or 'C', the operating money could go along with them."

Senator Quigg: "Yes, but not the building money."

Senator Wilson: "Right. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4309, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Woody—45.

Voting nay: Senators Talmadge, Wojahn—2.

Absent or not voting: Senator Pullen—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 4309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 106, by Senators Conner, Bottiger, Benitz and Sellar:

Requesting a review of federal pesticide regulations.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Joint Memorial No. 106 as substituted for Senate Joint Memorial No. 106 and the substitute memorial was placed on second reading and read the second time in full.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Jones: "Senator Bottiger, it isn't true that Wenatchee apples now smell like fish, is that true? Former Senator Matson asked me that question . . ."

Senator Bottiger: "It wouldn't be Wenatchee apples, it would be any apples and you would be surprised how fast the smell goes away."

Senator Jones: "Former Senator Matson was here today and thought I should suggest that."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3361 was ordered held for consideration on March 31, 1981.

On motion of Senator Fleming, Senate Bill No. 3328 was ordered held for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3464, by Senators Hansen, Bottiger and Conner:
Directing the department of agriculture to study natural-based pesticides.

MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 3464 was substituted for Senate Bill No. 3464 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 3464 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3464, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3464, 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 Clarke, the Senate commenced consideration of measures on the Regular Second Reading Calendar for today.

SECOND READING

SENATE BILL NO. 3258, by Senators Gallagher and Goltz:
Authorizing fisheries enforcement officers to enforce all state laws.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No 3258 was substituted for Senate Bill No. 3258 and the substitute bill was placed on second reading and read the second time in full.

Senator Goltz moved adoption of the following amendment by Senators Goltz, Gallagher and Fuller:

On page 2, line 30, after "patrol" insert ", the Washington state parks and recreation commission"

POINT OF INQUIRY

Senator Quigg: "Senator Goltz, there is nothing in here that would allow those folks to use airplanes, is there?"

Senator Goltz: "Nothing in this that will allow them to fly."

POINT OF INQUIRY

Senator Hansen: "Senator Goltz, is it against the law for a private citizen to go down and shop and buy a blue light?"

Senator Goltz: "It is my understanding that that would be against the law for anyone to have a flashing light and use it as though he were a police officer would be against the law in my opinion."

Senator Hansen: "I think you can go down to the parts house and buy a blue light; it might be against the law to use it but they are sure there for sale."

POINT OF INQUIRY

Senator Pullen: "Senator Goltz, can you tell me what agencies or departments or commissions or whatever now can have flashing blue lights?"

Senator Goltz: "Yes, they can now be had by any police department, sheriff's office, and the Washington state patrol. If this bill is passed, they will also be able to be used by the department of fisheries and the department of game; and if this amendment is passed, they will be allowed to be used by the Washington State parks and recreation commission."

POINT OF INQUIRY

Senator Talley: "Senator Goltz, this does not put a gun on every garbage attendant and every supervisor in the park, does it?"

Senator Goltz: "No, what this amendment does, it simply makes it clear that a police vehicle used by the parks and recreation commission, can be identified with its blue flashing light. As I stated earlier, I think one of the important things to

remember is, that there are people stopping people out there in the countryside and I think the public has come to expect that these vehicles that are flashing the blue light are police vehicles. If somebody is trying to stop somebody else, they should not be allowed to do so or should be warned that they are probably not a police officer."

POINT OF INQUIRY

Senator Peterson: "Senator Gallagher, this measure is a little bit deeper than blue lights, quite substantially so. You are extending the state patrol's law enforcement authority to all fisheries offices, right? Fish, game and parks."

Senator Gallagher: "Right."

Senator Peterson: "Okay. To clarify that then, it says 'in the line of duty.' If a fisheries officer or parks commission officer, game department law enforcement man was traveling up I-5 on his way from Olympia to Mount Vernon and he came up behind your car and you were doing sixty-five miles an hour, does this measure, the intent of this is to substantially allow him to pick you up for a speeding violation or maybe I am beating up on my wife or something?"

Senator Gallagher: "No, this is not intended to do that, it is merely in the enforcement of their present duties or primary concern like parks' people would be in parks, violation within a park, that then would allow them to use their police powers."

Senator Peterson: "Well, I believe the language in the bill is broad enough to where they could do it but I wanted to establish some legislative intent and get it in the record and that is not what we are attempting to do here. We are attempting to give them enforcement powers in their line of duty and not just necessarily on their way to or from for any minor civil infraction, am I right?"

Senator Gallagher: "That is correct."

POINT OF INQUIRY

Senator Pullen: "Senator Gallagher, to expand on Senator Peterson's question, as I understand it, it is not your intent to make fisheries department officers go around during normal working hours . . ."

POINT OF ORDER

Senator Goltz: "Mr. President, I believe the discussion has gone from the amendment to the bill and I would appreciate it if we could dispose of the amendment and then go back to the bill for substance of the bill."

Senator Pullen: "Senator Gallagher, I have a number of interests in this bill including the general area of police powers and the question of flashing blue lights and to allow me to vote intelligently on Senator Goltz' amendment I wanted to understand the basics of the bill and my question is this: as I understand your answer to Senator Peterson's question, your intent is not to give broad police powers so that these fisheries department officers will go down the freeway and ticket someone for speeding sixty-five in a fifty-five, but there is nothing in here that would prohibit them from doing that. Is that correct?"

Senator Gallagher: "Well, that is not the intent of it, of course. I do not see anything that would prohibit them, they are now authorized to enforce the laws of the state within a particular county if they are deputized by the sheriff of that county."

Senator Pullen: "So the thrust of the bill is not to allow that but there is no specific language in the bill that would prohibit it?"

Senator Gallagher: "Not that I am aware of."

POINT OF INQUIRY

Senator Guess: "Senator Gallagher, the language of the bill says that 'all employees of the department of fisheries.' That would mean you, too. Or all of the clerks and all of the people who run the fish hatcheries, it says that 'all employees of the department of fisheries and game engaged as peace officers only enforce the general laws of the state when during the normal course of their duties as department peace officers they come in contact with violations of the general laws of the state and it is not prudent or reasonable to call a local state law enforcement officer.'

"Why is that designation 'peace officers'?"

Senator Gallagher: "I do not know why it is peace officer; a peace officer is a peace officer no matter where you find him. These are fisheries enforcement officers and wildlife agents who now enforce the laws of the state."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I think I can answer Senator Guess' question. A peace officer is charged with the responsibility for enforcing departmental rules and regulations and they do not have police power. In the proposed bill and we are now getting away again from that amendment, it seems to be so elusive, but the purpose of the bill is to extend, on a limited basis, full police powers to peace officers so that when they are out there doing their regular line of work and somebody finds a sleeping bag in the back of a truck that has been stolen, the game officer could, under those circumstances, make an investigation, and if necessary, arrest the person with stolen property; whereas under the present law he cannot do that."

POINT OF INQUIRY

Senator Guess: "Senator Goltz, is the officer, is he to engage in other than prosecutions and finding violators of the game or fish laws?"

Senator Goltz: "Under this bill, Senator Guess, the peace officer becomes a police officer for other purposes while he is doing his regular line of work. I will give you another example. If a fish department officer is counting clams on one of those west coast beaches and finds that the people have more clams than they are entitled to, he is, as a peace officer, authorized to make a citation enforcing that particular regulation. If, while he is doing that, somebody comes driving down the beach at an outrageous rate of speed, threatening the lives of the people on the beach, under this additional authority, that peace officer could then become a police officer and control the situation as a police officer."

Senator Guess: "That was what I was afraid of, Senator. The thing that bothers me is the peace officer trained in the proper procedures of reading a person his rights, taking the proper steps to see that the person's . . . or is this going to be an uneducated, untrained person that is going to be doing this?"

Senator Goltz: "Well, I am assuming that the department assuming this liability and wanting these powers, will train those people so that they will be fit to do the job that this bill requires them to do."

POINT OF INQUIRY

Senator Guess: "Senator Gallagher, do you agree that they train their people?"

Senator Gallagher: "You bet they do; and this will help them a little bit more. . . . trained by the Washington state patrol academy."

The motion by Senator Goltz carried and the amendment was adopted.

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3258, as amended, was ordered held for further consideration following Senate Bill No. 3580.

SECOND READING

SENATE BILL NO. 3580, by Senators Guess and Hansen:

Excluding from disclosure certain information relating to bids.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 1, line 12, after ".070" insert "": PROVIDED, That the department shall be required to make available the information of the successful bidder""

Debate ensued.

POINT OF ORDER

Senator Shinpoch: "Are we still under the rule where you can only speak one time?"

President Cherberg: "Yes, Senator."

Senator Shinpoch: "Has Senator Guess spoken once?"

President Cherberg: "Yes, Senator Guess has spoken once . . . did you direct a question to Senator Guess, Senator Lysen?"

Senator Lysen: "Well, actually I did not, but I do not want to muzzle him; I mean if he wants to, I guess I will, if that would be a way that we could respond, under the rules.

"Senator Guess, would you yield to a question?"

Senator Guess: "I yield. I will answer the question that you ask, Senator Lysen. Senator Lysen, this amendment is much different from the contract that we were talking about on 3600 because that was the twenty-five percent bond required by statutory language. This, the bond that is put up in this instance, the contractor puts a one hundred percent bond up as a matter of statutory language and therefore, the one hundred percent bond protects the highway department from any loss."

Senator Lysen: "May I continue my remarks?"

President Cherberg: "You have just about run out of time, Senator. Senator Lysen."

Senator Lysen: "The point I was trying to make, Senator Guess, on this amendment offered by Senator McDermott, it says 'the department shall be required to make available the information. . . successful bidder;' in other words, identical with the amendment we had the other night. Once the contract is entered into, that information becomes public information. That is exactly what you went along with the other night. I do not see any difference at all. I guess that is self-evident."

Senator Guess: "I attempted to say that the situation is entirely different. Mr. President, because in this case, the contractor puts up a hundred percent performance bond and does not put up only the bond of the twenty-five percent in Senate Bill 3600."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to page 1, line 12.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson,

Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer—23.

Excused: Senator Zimmerman—1.

MOTION

Senator Guess moved Senate Bill No. 3580, as amended, be indefinitely postponed.

Debate ensued.

The motion by Senator Guess failed on a rising vote.

MOTION

On motion of Senator Clarke, Senate Bill No. 3580, as amended, will be held on second reading for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3926, by Senators Shinpoch, Benitz and Goltz:
Implementing the law relating to community colleges.

REPORT OF STANDING COMMITTEE

March 11, 1981.

SENATE BILL NO. 3926, implementing law relating to community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 2, line 20, after "training programs," strike "eligibility of courses to receive state fund support,"

On page 4, section 2, following subsection (d) add a new subsection to read as follows: "(e) eligibility of courses to receive state fund support;"

On page 8, line 36, after "service" insert "PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college"

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson, Shinpoch.

The bill was read the second time by sections.

On motion of Senator Benitz, the committee amendments were adopted.

On motion of Senator Benitz, the rules were suspended, Engrossed Senate Bill No. 3926 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3926, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen,

Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Conner—1.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3926, having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3063, by Senators von Reichbauer, Guess, Talley, Sellar and Conner (by Department of Transportation request):

Segregating revenues within the motor vehicle fund by investment source.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3063 was substituted for Senate Bill No. 3063 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 3063 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Scott: "Senator von Reichbauer, does this bill have any impact, adverse or otherwise, on the general fund?"

Senator von Reichbauer: "None whatsoever."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3063, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Sellar, Talley, von Reichbauer—32.

Voting nay: Senators Bauer, Deccio, Hughes, McDermott, Moore, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—15.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3063, 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 Clarke, Substitute Senate Bill No. 3258, Senate Bill No. 3307 and Senate Bill No. 3974 were ordered held for consideration on March 31, 1981.

SECOND READING

SENATE BILL NO. 3244, by Senators Wojahn, Deccio, Bauer, Sellar, Hughes and Talmadge:

Providing property damage coverage for hit-and-run or underinsured motor vehicle insurance.

REPORT OF STANDING COMMITTEE

March 6, 1981.

SENATE BILL NO. 3244, providing property damage coverage for hit-and-run or underinsured motor vehicle insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 3, before the period insert ", provided that the coverage for property damage need only be offered as an optional supplemental coverage with the issuance of the coverage for bodily injury or death"

On page 2, strike all of subsection (7) and insert

"(7) (a) Coverage for underinsured property damage involving a hit-and-run vehicle or a vehicle that is not identified shall be provided only with respect to damages caused by physical contact with the unknown vehicle. The policy may provide with respect to such damages a deductible of not more than three hundred dollars.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars."

On page 2, insert a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 48.18 RCW a new section to read as follows:

Any automobile insurance policy written or renewed after the effective date of this act, which provided comprehensive or collision coverage shall also provide coverage against loss resulting from liability in at least the minimum amounts set forth in RCW 46.29.630. The liability coverage is not required during any month in which the vehicle is not used upon the highways of this state."

In line 3 of the title after "RCW 48.22.030" and before the period insert "; and adding a new section to chapter 48.18 RCW"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

On motion of Senator Sellar, the committee amendment to the title was adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3244, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4027, by Senators Quigg, Peterson and Gallagher: Modifying provisions relating to deckhands on charter boats.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Senate Bill No. 4027 was advanced to third reading, the second reading considered the third, and the bill was placed in final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4027 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 4027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3752, by Senators Gaspard, Hemstad, McDermott, Craswell, Fleming and Deccio:

Authorizing certain joint actions by private schools and public agencies.

REPORT OF STANDING COMMITTEE

March 12, 1981.

SENATE BILL NO. 3752, authorizing certain joint actions by private schools and public agencies (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 1 after "district board" and before the "." insert "PROVIDED FURTHER, That the district board may require private schools to (a) pay such fees reflecting actual costs prior to the use of such services and instructional materials by the private schools, or (b) deliver to the board a good and sufficient surety bond in a sum equal to the projected annual fees reflecting actual costs as set by the board"

On page 3, section 2, line 8 after "purchases" and before ";" insert "PROVIDED FURTHER, That the joint purchasing agency may require private schools to (a) pay such proportionate share of the costs prior to any payment by the district for such purchases, or (b) deliver to the agency a good and sufficient surety bond in a sum equal to the projected annual proportionate share of the costs as set by the agency"

On page 3, section 2, line 13, after "such purchases" and before ";" insert "PROVIDED FURTHER, That the directors may require private schools to (a) pay such proportionate share of the costs prior to any payment by the district for such purchases, or (b) deliver to the directors a good and sufficient surety bond in a sum equal to the projected annual proportionate share of the costs as set by the directors"

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Scott, Wojahn.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendments were adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 3752 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3752, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lee, Rasmussen—2.

Absent or not voting: Senators Guess, Talley—2.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3965, by Senators Gallagher and Haley:

Providing funding for fish hatchery expenditures of the department of fisheries.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3965 was substituted for Senate Bill No. 3965 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3965 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Shinpoch: "Senator Gallagher, could you tell me how much money it is estimated is involved in this?"

Senator Gallagher: "It varies considerably from \$300,000, sometimes \$600,000."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gallagher, on line 20, it states ' . . Disbursements from the revolving fund shall be on authorization of the director of the department of fisheries or the director's designee. . . .' Further down it says that it shall be by appropriation. Why would the director . . . authorized if he has an appropriation, he spends that appropriation, rather than dipping into the revolving fund?"

"The other question would be, of course, it is a wash if you have this much money, we are going to take that much away from you that we appropriated for the general fund. What is the appropriation this year for the department of fisheries?"

Senator Gallagher: "I have not seen that yet, Senator Rasmussen; but this is reason for this, the whole reason for this, so they would not take money away from that particular operation. We are a little short on many of our hatcheries for equipment. You are one of the people that we went down to Oregon and watches the equipment that those people are working with. This will increase our operational efficiency in our hatcheries. That is the reason for that. They couldn't say that it would reduce our budget by that amount."

Senator Rasmussen: "Well, I am sure Senator Scott will, or Senator Shinpoch whoever happens to be in charge, it will be a wash. The bad part of it is, thank you, Senator Scott, I see you are taking care of that already."

The only bad part of it is, Senator Shinpoch says it is the concern of the fishermen that the season will be shortened up, so it will be as you had this year, an unlimited amount of salmon returning to hatcheries that they did not know what to do with; and as you say, they are burning eggs and fry and the whole works, when they should have let the commercial season go a little longer, and as Senator Lysen has said, they would be catching bright fish instead of the real dark ones that are only good for cat food."

POINT OF INQUIRY

Senator Quigg: "Senator Gallagher, how would you respond to the statement that this bill is ill-timed in light of the return of alligators to our hatcheries and things of that nature? Are the fishermen really for this or not?"

Senator Gallagher: "Well, surprisingly enough I left that out of my testimony. This is one of the rare occasions that we have completely supported by Phil Sutherland and the Puget Sound Gillnetters Association, all of our fishing organizations. I forgot that part. There was no one testified against it. The alligators are saleable right now."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3965, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer—34.

Voting nay: Senators Fleming, Goltz, Hughes, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—13.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3156, by Senators Williams, Fuller, Charnley, Goltz and Zimmerman:

Considering renewable energy systems in the design of public buildings.

REPORT OF STANDING COMMITTEE

January 28, 1981.

SENATE BILL NO. 3156, considering renewable energy systems in the design of public buildings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 35, strike "cost of acquisition and" and insert "initial cost and cost of"

On page 3, on line 5, strike "acquisition" and insert "initial"

On page 4, beginning on line 34, strike all matter down through line 3, page 5

Renumber the remaining sections consecutively.

On page 1, beginning on line 7 of the title, strike "adding a new section to chapter 39.35 RCW;"

Signed by: Senators Williams, Chairman; Bottiger, Charnley, Fuller, Gould, Hemstad, Hurley, McCaslin, Quigg.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendments were adopted.

On motion of Senator Williams, the following amendment was adopted:

On page 4, line 25, after "agency" strike all material down through "analyzed" on line 30, and insert "may accept the facility design if the agency is satisfied that the life-cycle cost analysis provides for an efficient energy system or systems based on the economic life of the major facility"

On motion of Senator Gould, the committee amendment to the title was adopted.

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 3156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Williams, the concern I have is on the experience we went through on the ferry contract where we had the requirements, the phrase used on the ferry contract was 'most advantageous to the state' in terms of the life-cycle cost analysis. So even though one company came in with a lower bid, it was on actual construction cost, it was determined by a life-cycle cost analysis, that the actual higher cost bid was the most advantageous to the state, because the energy, over a twenty-five year period, because the energy consumption would have been less, so total cost was less.

"And the basis for the energy life-cycle cost analysis was extremely questionable and it is a very inexact science, subject to manipulation and I guess I am very concerned that we are going to get into this situation again in bidding on these contracts.

"So how would this actually work, Senator?"

Senator Williams: "Well, Senator Lysen, as I said earlier, one of the reasons for making it not mandatory but simply a judgment was because life-cycle analysis is not an exact science at this time, and I think making it nonmandatory recognizes that fact.

"As far as relation to ferry contracts and so forth, I guess I would have to plead a certain amount of ignorance there because this really does apply to buildings, and it is related to the public facilities, generally it is related to those buildings with 25,000 square feet or more of floor area.

"So I think, as I understand it, at least, it would not have any relationship to the issue you mention."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, I am looking at new section, Sec. 7, 'The department of general administration, in cooperation with the office . . . ' that is on line 9, 'and after consultation with affected agencies. . . .'

"What office is the director of general administration going to be in cooperation with?"

Senator Williams: "Well, I suspect it would be those agencies where general administration is the managing office for construction, such as social and health services or any other agency where general administration actually puts out for bid and does, you know, contracts for the design and construction of those buildings, as opposed to universities and other higher education facilities which have their own administration for that kind of thing."

Senator Rasmussen: "But Senator Williams, ordinarily the director of general administration, in cooperation with the office, the office is not an agency or anything. I am looking at line 9, section 7, he . . . cooperate with what office?"

Senator Williams: "That refers back to page 2, new language on line 22 where 'office' is defined as the 'Washington state energy office.'"

Senator Rasmussen: "Well, that is the office that doesn't have enough to do right now, they are trying to create new jobs for them?"

"The other question, Senator Williams, would be, what does this bill do that they cannot already do without this law?"

Senator Williams: "It requires, the only thing it does that they, it doesn't do anything that they cannot do. It is simply a matter of policies, states that state agencies shall consider renewable energy systems in the design of the energy systems of buildings. I understand your point, however, in 1975, for instance, we first introduced the requirement in the first place that state agencies should consider life-cycle cost analysis in the use of energy. In 1980 we tried, we did pass a bill very similar to this, however it had the mandatory requirement in it and was vetoed.

"All I can say is that sometimes state agencies take a little push to get them to do things which traditionally they are not used to doing."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3156, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—35.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, Hayner, Hurley, Lysen, Metcalf, Moore, Newhouse, Patterson, Rasmussen, von Reichbauer—13.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3156, 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.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, if a bill fails to receive a constitutional majority on final passage, and notice of reconsideration is given for the following day's business, and the body goes to the eighth order of business on the following day without a motion for reconsideration being lodged or other action taken with

respect to the bill, would consideration of the bill then on a subsequent day, be in order?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge, under the conditions that you outline, consideration of the bill on a subsequent day would not be in order."

SECOND READING

SENATE BILL NO. 3024, by Senator Hansen:
Authorizing fishing in designated areas by the Sokulk Indians.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3024 was substituted for Senate Bill No. 3024 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3024 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Gallagher—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3024, 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

At 9:40 p.m., on motion of Senator Hayner, the Senate adjourned until 11:00 a.m., Tuesday, March 31, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 31, 1981.

The Senate was called to order at 11:00 a.m. The President declared the Senate to be at ease. The President called the Senate to order at 11:30 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Newhouse and Zimmerman.

The Color Guard, consisting of Pages Heather Williams and Johnna Allemandi, presented the Colors. Reverend Richard Hart, Senior Pastor of the First Baptist Church of Olympia offered the following special prayer:

"GOD OF GRACE AND GOD OF GLORY, WE HONOR THE SACREDNESS OF THIS MOMENT WITH OUR THANKFULNESS TO YOU FOR THE GIFT OF LIFE THAT IS OURS FOR YET ANOTHER DAY. THE WEATHER OF THE MORNING AND THE EVENTS OF THE PAST DAY HAVE FORCEFULLY REMINDED US AGAIN THAT LIFE IS NOT ALL SUNSHINE AND GOOD. WE HAVE LEARNED FROM OUR OWN BODY THAT WHEN A PART IS WOUNDED IT AFFECTS OUR WHOLE BEING AND BECAUSE OF THAT TRUTH, WE CONFESS THERE IS A PART OF US THAT HURTS. LORD, WE HOLD UP OUR PRESIDENT, RONALD REAGAN, AND THOSE WOUNDED YESTERDAY IN A SELFISH, SENSELESS ACT OF VIOLENCE.

"WE PRAY THAT YOUR COMFORT AND HEALING MAY TOUCH ALL THOSE WHOSE LIFE HAS BEEN DRAMATICALLY CHANGED BY THE UNEXPECTED. AND THEN, O LORD, BECAUSE OF OUR OWN ANXIOUS HEARTS CONCERNING THE TASK BEFORE US, WE PRAY FOR GOVERNOR CHERBERG AND THESE OUR SENATORS AS THEY FAITHFULLY CONTINUE SEARCHING THIS DAY FOR THE BEST SOLUTIONS TO SOME VERY COMPLEX PROBLEMS, PLEASE LET THEM KNOW THAT WE CARE. IN THE NAME OF CHRIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 30, 1981.

SENATE BILL NO. 4301, relating to gambling (reported by Committee on Commerce and Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 4301 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 25, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 16, modifying the real estate excise tax affidavit (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Deccio, Fleming, Gaspard, Haley, Jones, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1981.

SUBSTITUTE HOUSE BILL NO. 43, allowing voters confined to a hospital on election day to apply for and vote an absentee ballot (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by Senators Pullen, Chairman; Clarke, Conner, Metcalf, Woody.

Passed to Committee on Rules for second reading.

March 31, 1981.

SUBSTITUTE HOUSE BILL NO. 49, revising procedures for forms management (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

March 30, 1981.

HOUSE BILL NO. 99, modifying provisions relating to water rights reverted to the state (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 30, 1981.

NORWARD J. BROOKS, to the position of Commissioner of the Department of Employment Security, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Dr. Eugene Wiegman (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 30, 1981.

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:

Mr. Mark C. Endresen appointed March 30, 1981, for a term ending September 8, 1983, succeeding John H. Leinen, as a member of the Public Employment Relations Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, March 30, 1981.

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:

I. Charles LeCocq, appointed March 23, 1981; for a term ending April 3, 1984, succeeding Stephen L. Chase as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 30, 1981.

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:

Dorothy D. Plath, appointed March 23, 1981, for a term ending April 3, 1984, succeeding James M. Spalding as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

March 30, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 37,
SUBSTITUTE HOUSE BILL NO. 40,
SUBSTITUTE HOUSE BILL NO. 88,
SUBSTITUTE HOUSE BILL NO. 264,
SUBSTITUTE HOUSE BILL NO. 285,
HOUSE BILL NO. 330,
SECOND SUBSTITUTION HOUSE BILL NO. 338,
SUBSTITUTE HOUSE BILL NO. 339,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 353,
SUBSTITUTE HOUSE BILL NO. 374,
HOUSE BILL NO. 375,
ENGROSSED HOUSE BILL NO. 386,
HOUSE BILL NO. 401,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 413,
SUBSTITUTE HOUSE BILL NO. 425,
ENGROSSED HOUSE BILL NO. 439,
ENGROSSED HOUSE BILL NO. 502,
ENGROSSED HOUSE BILL NO. 597,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 7, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 30, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 126,

SUBSTITUTE HOUSE BILL NO. 135,
 HOUSE BILL NO. 136,
 SUBSTITUTE HOUSE BILL NO. 144,
 SUBSTITUTE HOUSE BILL NO. 187,
 HOUSE BILL NO. 249,
 HOUSE BILL NO. 322,
 HOUSE BILL NO. 347,
 HOUSE BILL NO. 357,
 HOUSE BILL NO. 400,
 SUBSTITUTE HOUSE BILL NO. 419,
 SUBSTITUTE HOUSE BILL NO. 421,
 SUBSTITUTE HOUSE BILL NO. 424,
 SUBSTITUTE HOUSE BILL NO. 430,
 HOUSE BILL NO. 435,
 HOUSE BILL NO. 438,
 SUBSTITUTE HOUSE BILL NO. 452,
 SUBSTITUTE HOUSE BILL NO. 462,
 HOUSE BILL NO. 464,
 SUBSTITUTE HOUSE BILL NO. 481,
 SUBSTITUTE HOUSE BILL NO. 491,
 HOUSE BILL NO. 518,
 HOUSE BILL NO. 533,
 HOUSE BILL NO. 539,
 HOUSE BILL NO. 600,
 HOUSE BILL NO. 614,
 HOUSE BILL NO. 615,
 HOUSE BILL NO. 619,
 SUBSTITUTE HOUSE BILL NO. 658, and the same are herewith
 transmitted.

VITO T. CHIECHI, Chief Clerk.

March 30, 1981.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 67,
 ENGROSSED HOUSE BILL NO. 183,
 ENGROSSED HOUSE BILL NO. 223,
 HOUSE BILL NO. 244,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 252,
 SUBSTITUTE HOUSE BILL NO. 266,
 ENGROSSED HOUSE BILL NO. 276,
 SUBSTITUTE HOUSE BILL NO. 316,
 HOUSE BILL NO. 319,
 HOUSE BILL NO. 370,
 HOUSE BILL NO. 461,
 ENGROSSED HOUSE BILL NO. 616,
 ENGROSSED HOUSE BILL NO. 618,
 HOUSE BILL NO. 631, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 30, 1981.

Mr. President: The House has adopted:
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 5,
 HOUSE CONCURRENT RESOLUTION NO. 6,
 HOUSE CONCURRENT RESOLUTION NO. 10, and the same are here-
 with transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTIONS

On motion of Senator Clarke, Introduction and First Reading of Bills will be deferred until the afternoon session.

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate will commence consideration of the regular Senate Calendar.

On motion of Senator Clarke, Senate Bill No. 3263 and Senate Joint Resolution No. 108 will be held for consideration on April 1, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3542, by Committee on Commerce and Labor (originally sponsored by Senators Vognild and Jones):

Permitting self-insurer to close certain claims under workers' compensation.

The Senate resumed consideration of Substitute Senate Bill No. 3542 from March 30, 1981.

On motion of Senator Quigg, the rules were suspended, Substitute Senate Bill No. 3542 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3542, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—45.

Absent or not voting: Senators Lee, Newhouse, Wilson, Zimmerman—4.

SUBSTITUTE SENATE BILL NO. 3542, 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.

MOTIONS

On motion of Senator Clarke, Senate Bill No. 3975 was ordered held for consideration on April 1, 1981.

On motion of Senator Bluechel, Senator Zimmerman was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3258, by Committee on Natural Resources (originally sponsored by Senators Gallagher and Goltz):

Authorizing fisheries enforcement officers to enforce all state laws.

The Senate resumed consideration of Substitute Senate Bill No. 3258 from March 30, 1981. An amendment by Senator Goltz was adopted at that time.

Senator Pullen moved adoption of the following amendment to the title:

On page 1, line 1, after "to" strike "law enforcement" and insert "enforcement powers of the department of game, department of fisheries, and the Washington state parks and recreation commission"

POINT OF INQUIRY

Senator Talmadge: "Senator Gallagher, some of my concerns with respect to the bill I think will be reflected in my questions. The first is, do you anticipate that these wildlife and game department agents will be permitted to carry firearms?"

Senator Gallagher: "I rather suspect."

Senator Talmadge: "Would it be your intention that these people would be subject to training by the criminal justice training commission?"

Senator Gallagher: "Yes, I would."

Senator Talmadge: "Finally, I do have a concern, at the top of page 3 of the bill, it permits the director of the department of fisheries to be one of those people that will be carrying the firearms and would be permitted to go out and actually arrest people. Is it your intention that the director of the department be the one that would go out and enforce the law in that direct a fashion?"

Senator Gallagher: "No, he probably would never do this."

The motion by Senator Pullen carried and the amendment to the title was adopted.

On motion of Senator Gallagher, the rules were suspended, Engrossed Substitute Senate Bill No. 3258 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3258, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Quigg, Rasmussen, Ridder, Scott, Talley, Vognil, von Reichbauer—32.

Voting nay: Senators Conner, Hansen, Lysen, McDermott, Moore, Patterson, Peterson, Pullen, Sellar, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—15.

Absent or not voting: Senator Deccio—1.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3258, 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.

MOTIONS

On motion of Senator Clarke, Senate Bills 3580, 3307 and 3974 were ordered held for consideration on April 1, 1981.

SECOND READING

SENATE BILL NO. 3728, by Senators Hansen and Benitz:
Modifying provisions relating to forest practices.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3728 was substituted for Senate Bill No. 3728 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 3728 was advanced to third reading, the second reading considered the third, and the bill was palced on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3728, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent or not voting, 1, excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Charnley, Fleming, Lysen, McDermott, Moore, Talmadge—6.

Absent or not voting: Senator Newhouse—1.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3725, by Senators Hansen and Benitz:
Modifying the state environmental policy act.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3725 was substituted for Senate Bill No. 3725 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3725 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, is it your understanding, Senator Bottiger, that the applications are made to the department of natural resources?"

Senator Bottiger: "Senator McDermott, there is a local permit that is required and then the department works out the contract with you as to how you do the reforestation, how many trees, what kind of trees per acre; you can go in and show them where it is flooded and get a reduction in the number of trees per acre that you have to replant.

"And you do that through the county under their county plan and in addition, you get the permit and the negotiated agreement with the department. And that is how it works in practice, and I am trying to find the exact language in this bill, how much of this bill pertains to the actual practice; but as I read it, it puts that language back in that was declared unconstitutional."

Senator McDermott: "Mr. President and members of the Senate. If you look on, it is in bill number 349 on line 16 or 17 it says then 'the local government rather than the department of natural resources is responsible for any detailed statement required under the RCW.' It seems to me that you are actually shifting it away from the department and you are saying 'We will let the local government make all

the decisions as to whether there is a likelihood of urban development.' I think that is a public policy question that Senator Talmadge was raising which I object to as well."

Senator Bottiger: "Mr. President, in answer to that, the procedure requires the local government to come up with their comprehensive zone and whether this is going; you first start by putting your land in to forest practices, that gives you some tax advantages. Now when you want to cut your trees, you now have to get a department of natural resources permit. If you also want to change your use out of forest practices, you have to go to the county and get consent to take your property out of the forest practices act. And that is the language here, about looking to the county for the permit. If you do not get the permit from the county and you do not get your conversion, you go back to the department and get your agreement as to how much you replant.

"And all we are doing is putting that practice back into the act that was knocked out in the court decision."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3725, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, Wilson, Wojahn, Woody—33.

Voting nay: Senators Charnley, Fleming, Goltz, Hughes, Hurley, Lee, Lysen, McDermott, Metcalf, Moore, Ridder, Shinpoch, Talmadge, von Reichbauer, Williams—15.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3725, 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 Clarke, Senate Bill No. 3640 was ordered held for consideration on April 1, 1981.

SECOND READING

SENATE BILL NO. 3845, by Senators Wilson, Sellar, Bauer and Hughes: Implementing law relating to school district authorized transportation.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 3845 was substituted for Senate Bill No. 3845 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, an amendment by Senators Metcalf and Craswell to page 3, line 28 adding a proviso to Substitute Senate Bill No. 3845 on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 3845 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3845, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3845, 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

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTIONS

On motion of Senator Clarke, the Senate returned to the fifth order of business.

On motion of Senator Clarke, there being no objection, all bills on the Introduction and First Reading Calendar with the exception of Substitute House Bill No. 67 were referred to the committees designated on the Introduction and Referral Sheet. Substitute House Bill No. 67 was referred to the Committee on Parks and Ecology.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Appropriations—General Government and Compensation (originally sponsored by Representatives Taller, Sommers and Struthers):

Modifying retirement provisions for law enforcement officers and fire fighters.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 40, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Barr, Prince, Amen, Hastings and Berleen):

Exempting small local governments from the Public Disclosure Act.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 67, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Thompson, Rosbach, Williams, Chamberlain and Vander Stoep):

Permitting department of natural resources to preserve access to Toutle and Cowlitz rivers.

Referred to Committee on Parks and Ecology.

SUBSTITUTE HOUSE BILL NO. 88, by Committee on Human Services (originally sponsored by Representatives Owen, Amen, Scott, Berleen, Granlund, Nelson (G), Salatino, Patrick, Lux, Chamberlain and McGinnis):

Legalizing DMSO for therapeutic use.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 126, by Committee on Revenue (originally sponsored by Representatives Wilson, Houchen, Greengo, Flanagan, Nelson (D), Bond, Granlund, Lewis, Dawson, Barnes, Hastings, Mitchell, Hankins, Isaacson, Clayton, Taylor, Smith, McGinnis, Ellis, Heck, Erickson, Grimm, Ehlers, Walk, Maxie and Garrett):

Exempting from property taxation property owned by a nonprofit entity and used as a public assembly hall or meeting place.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 135, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Sanders):

Modifying provisions relating to forest protection.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 136, by Representatives Lewis, Heck and Flanagan:

Increasing interest rates on certain loans.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 144, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dawson, Monohon, Bickham, Lux, Scott and Garrett) (by Insurance Commissioner request):

Revising laws relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 183, by Committee on State Government and Representatives Garson and Kreidler:

Establishing the 1989 Washington State centennial commission.

Referred to Committee on Parks and Ecology.

SUBSTITUTE HOUSE BILL NO. 187, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Natural Resources and Representative Garson):

Providing for the preservation of access to public lands.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 223, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Modifying provisions on forest protection.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 244, by Representatives Valle, Sanders, Brekke, Berleen, Fancher, McCormick, Addison and Lux:

Establishing liability for leaving a restaurant without paying.

Referred to Judiciary Committee.

HOUSE BILL NO. 249, by Committee on Financial Institutions and Insurance and Representatives Dawson and Brown:

Increasing the time period for reporting auto accidents under the financial responsibility laws.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 252, by Committee on Agriculture (originally sponsored by Representative Smith (by Department of Agriculture request):

Modifying provisions relating to agriculture.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 264, by Committee on Labor and Economic Development (originally sponsored by Representatives Struthers, King (J), Warnke, Barrett, Dawson, King (R), Bickham, Isaacson, Eberle, Winsley, Martinis, Lane, McCormick, Hastings, Ellis, Sanders, Grimm and Bond):

Restricting imposition of rent control by counties, cities, and towns.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 266, by Committee on State Government (originally sponsored by Representatives Lane, Johnson, Dawson, Patrick, Fiske, Sommers, Chamberlain, Dickie, Mitchell, Padden, McGinnis, Nickell, Vander Stoep, Warnke, Bickham, Van Dyken, Leonard, Taylor, Nelson (G), Erickson, Williams, Smith, Ellis, Lundquist, Barrett, Monohon, Winsley, Tupper, Hankins, Kreidler, Garson, Bond, Teutsch, Cantu, Galloway, Lewis, Heck, Lux, Granlund and Nelson (D)) (by Governor Spellman request):

Creating the state council on aging.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 276, by Committee on Transportation and Representative Wilson (by Department of Licensing request):

Updating motor vehicle dealer laws.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 285, by Committee on Education (originally sponsored by Committee on Education and Representatives Cantu, Schmidt, Patrick, James, Barrett, Ellis, Johnson, Eberle, Dickie, McDonald, Lane, Taylor, Hastings, Sanders and Addison):

Mandating flag exercises in each classroom at beginning of school day.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 316, by Committee on Human Services (originally sponsored by Committee on Human Services and Representatives Teutsch and Wang):

Revising licensing requirements for the practice of midwifery.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 319, by Committee on Human Services and Representative Mitchell:

Revising laws relating to life sustaining procedures.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 322, by Committee on Transportation and Representative Martinis (by Legislative Transportation Committee request):

Requiring driver's license to be permanently marked as a condition for retention when applying for occupational license.

Referred to Committee on Transportation.

HOUSE BILL NO. 330, by Representatives Kreidler, Sanders, Dawson, Bond, Houchen and Sprague:

Requiring notification to the secretary of transportation about plats of subdivisions near public airports.

Referred to Committee on Transportation.

SECOND SUBSTITUTE HOUSE BILL NO. 338, by Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting operating agencies to contract with nationally recognized firms without letting bids.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 339, by Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting certain provisions and revenue bonds and warrants issued by operating agencies.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 347, by Representatives Stratton, King (J), North and Brekke (by Department of Social and Health Services request):

Regulating therapeutic homes.

Referred to Committee on Social and Health Services.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 353, by Committee on Appropriation—Human Services (originally sponsored by Representatives Williams, Mitchell, Houchen, Becker, Valle and Wang):

Revising laws relating to mental health services.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 357, by Committee on State Government and Representatives Addison and Walk:

Modifying provisions on the preservation and destruction of public records.

Referred to Committee on State Government.

HOUSE BILL NO. 370, by Committee on Revenue and Representatives Amen and Patrick:

Authorizing excess levies for road districts.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 374, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson, Garrett, Erickson and McGinnis):

Modifying procedures governing annexation.

Referred to Committee on Local Government.

HOUSE BILL NO. 375, by Committee on Labor and Economic Development and Representatives Patrick, Sanders, Smith, Salatino, Garrett and Wang):

Modifying the regulation of automotive repairs.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 386, by Representatives Nickell, Rinehart, Tilly, Rust, Barrett, Fancher and Wang:

Modifying the administration of winter recreation activities.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 400, by Representatives Sprague and Walk (by Department of Licensing request):

Disallowing reimbursement for inspection of motor vehicle identification numbers by out-of-state inspectors.

Referred to Committee on Transportation.

HOUSE BILL NO. 401, by Representatives Galloway, Vander Stoep, Bender and Heck:

Authorizing educational service districts to establish direct student service programs.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Human Services and Representatives Mitchell and Williams) (by Department of Social and Health Services request):

Defining the milling of uranium and thorium.

Referred to Committee on NATURAL RESOURCES.

SUBSTITUTE HOUSE BILL NO. 419, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Committee on Natural Resources and Environmental Affairs and Representatives Wilson and North):

Notifying the buyer of land when reforestation is required.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 421, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Berleen, Walk and Nelson (D)) (by Department of Social and Health Services request):

Authorizing transfer of convicts between the state and foreign countries pursuant to treaty.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 424, by Committee on Transportation (originally sponsored by Committee on Transportation and Representative Wilson):

Modifying procedures for public transportation benefit areas.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 425, by Committee on Education (originally sponsored by Committee on Education and Representatives Lewis, Johnson, O'Brien, Patrick and North):

Permitting students of private schools to ride public school buses.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 430, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Van Dyken, Nelson (D) and Erickson) (by Department of Social and Health Services request):

Authorizing leaves of absence for inmates to receive medical care or participate in volunteer community service work.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 435, by Committee on Institutions and Representatives Owen, Walk and Houchen (by Department of Social and Health Services request):

Authorizing state participating in interstate corrections compacts.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 438, by Committee on Labor and Economic Development and Representatives Eberle and Patrick:

Requiring contractors to post prevailing wage information at public works job sites.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 439, by Representatives North, Sherman and Garrett:

Providing that candidates for municipal office may file with the city clerk.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 452, by Committee on Transportation (originally sponsored by Committee on Transportation and Representatives Martinis, North and Garrett):

Providing for city council members as members of the urban arterial board.

Referred to Committee on Transportation.

HOUSE BILL NO. 461, by Representatives Prince, Burns, Isaacson, Amen and Stratton:

Authorizing educational reciprocity as to institutions of higher education with state of Idaho.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 462, by Committee on Education (originally sponsored by Representatives Erickson, Taylor, Winsley, Ellis, Van Dyken, Tupper, Walk, Hine and Brown):

Implementing law relating to the injury or defacement of school property and liability therefor.

Referred to Committee on Education.

HOUSE BILL NO. 464, by Committee on Higher Education and Representative Teutsch (by Council for Postsecondary Education request):

Creating state educational grant fund.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 481, by Committee on Vietnam Era Veterans (originally sponsored by Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Dawson, Scott, Nisbet, Brown, Pruitt, Winsley, Johnson, Lux and Patrick) (by Department of Veterans Affairs request):

Revising certain benefits and privileges for veterans.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 491, by Committee on Institutions (originally sponsored by Committee on Ethics, Law and Justice and Representatives Bickham, Dickie, Clayton, Barr, Lewis and Patrick):

Authorizing training of Indian tribe officers by the Criminal justice training commission.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 502, by Committee on Ways and Means and Representative Chandler (by Code Revisor's Office request):

Appropriating moneys to print the 1981 and 1982 session laws.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 518, by Committee on State Government and Representative Addison (by Secretary of State request):

Revising laws relating to filing and recording documents.

Referred to Committee on State Government.

HOUSE BILL NO. 533, by Committee on Ethics, Law and Justice and Representative Ellis:

Modifying provisions relating to the election of judges of the court of appeals.

Referred to Judiciary Committee.

HOUSE BILL NO. 539, by Committee on Transportation and Representative Wilson (by Department of Transportation request):

Providing for notice to the department of transportation when short plats are made of areas adjacent to highway rights-of-way.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 597, by Committee on Natural Resources and Environmental Affairs and Representative Rosbach:

Modifying the moratorium on salmon charter boat licenses.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 600, by Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Schmidt, Becker, Tilly, Winsley, Bickham, Pruitt and Granlund.

Making various changes in criminal laws.

Referred to Judiciary Committee.

HOUSE BILL NO. 614, by Committee on State Government and Representatives Addison, Walk and North (by Washington State Patrol request):

Increasing frequency of WSP promotion exams.

Referred to Committee on State Government.

HOUSE BILL NO. 615, by Committee on Education and Representative Taylor:

Abolishing certain accounts for high school districts used for moneys from non-high districts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 616, by Committee on Education and Representative Taylor:

Implementing law relating to publication of school code.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 618, by Committee on Education and Representative Taylor:

Allowing superintendent of public instruction to have designee to carry out certain duties.

Referred to Committee on Education.

HOUSE BILL NO. 619, by Committee on Education and Representative Taylor:

Repealing obsolete law requiring report on school districts' maintenance of resource services.

Referred to Committee on Education.

HOUSE BILL NO. 631, by Committee on Appropriation-General Government and Representative Williams and Amen:

Authorizing certain race track fees to be set by the state racing commission.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 658, by Committee on Energy and Utilities (originally sponsored by Committee on Energy and Utilities and Representatives Cantu, Nelson (D) and Wang):

Providing energy conservation procedures for state buildings.

Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 7, by Select Committee on Vietnam Era Veterans (originally sponsored by House Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, McDonald, Scott, Van Dyken, Brown, Dawson, Pruitt, Winsley, Lux, Patrick and Sanders):

Requesting relief for Vietnam veterans exposed to "agent orange".

Referred to Committee on State Government.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 5, by Representatives Prince, Smith and Galloway:

Creating a joint agricultural study committee.

Referred to Committee on Agriculture.

HOUSE CONCURRENT RESOLUTION NO. 6, by Committee on Ethics, Law and Justice and Representative Ellis:

Creating a joint committee to study the proposed establishment of a law reform commission.

Referred to Judiciary Committee.

HOUSE CONCURRENT RESOLUTION NO. 10, by Committee on Institutions and Representatives Houchen, Leonard, Owen, Nelson (D), Van Dyken, Fiske and Walk:

Adopting the juvenile disposition standards of the department of social and health services.

Referred to Committee on Social and Health Services.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3974.

SECOND READING

SENATE BILL NO. 3974, by Senators Scott and Haley:

Modifying provisions on the law enforcement officers' and fire fighters' retirement system.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. There is added to chapter 41.26 RCW a new section to read as follows:

(1) The retirement board shall adopt rules, in accordance with chapter 34.04 RCW, under which each disability board shall execute its disability retirement duties under this chapter. The rules shall include, but not be limited to:

(a) Standards governing the type and manner of presentation of medical, employability, and other evidence before disability boards; and

(b) Standards governing the necessity and frequency of reexaminations of persons receiving disability benefits. The rules shall not require more than two reexaminations per year.

(2) If the retirement board determines that an order or determination of a disability board was not processed in accordance with rules established under this section, the retirement board may remand the order or determination for further proceedings consistent with the rules.

Sec. 2. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of ((his)) age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of ((active)) service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the ((disability is incurred)) discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such

period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of ((active)) service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: PROVIDED, That in any order granting a disability retirement the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above.

Sec. 3. Section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130 are each amended to read as follows:

(1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of ((disability)) discontinuance of service but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the

age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to (~~a semiannual~~) medical examination by a physician approved by the disability board prior to his attainment of age fifty, pursuant to rules adopted by the retirement board under section 1 of this 1981 act.

Sec. 4. Section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of (~~a semiannual~~) reexaminations of members on disability retirement as provided in RCW 41.26.130 and section 1 of this 1981 act, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination as provided in RCW 41.26.130 and section 1 of this 1981 act, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

Sec. 5. Section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.200 are each amended to read as follows:

(~~(+)~~) Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and, within ninety days thereof, the disability board shall

certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

~~((2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220.))~~

NEW SECTION. Sec. 6. If any provision of this act or its application of the provision to other persons or circumstances is not affected."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 22; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar—22.

Absent or not voting: Senators Conner, von Reichbauer—2.

Excused: Senator Zimmerman—1.

MOTION

On motion of Senator Clarke, Senate Bill No. 3974, together with the adopted amendment by Senator Talmadge, was ordered held for further consideration on April 1, 1981.

SECOND READING

SENATE BILL NO. 3972, by Senators Williams, Gould, McDermott, Ridder, Bottiger, Lysen, Talmadge, Moore, Charnley and Hurley:

Providing for a study on the feasibility of completing nuclear power plants.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 3972 was substituted for Senate Bill No. 3972 and the substitute bill was placed on second reading and read the second time in full.

Senator Hurley moved adoption of the following amendment:

On page 1, line 8, after "Nos." insert "Two,"

Debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted.

On motion of Senator Gould, the rules were suspended, Substitute Senate Bill No. 3972 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Would Representative Lysen respond to a question? I am still in the House.

"Senator Lysen, I guess maybe I regard you as probably one of the foremost critics of WPPSS and I think probably there is all the reason in the world to be critical of what has happened. But of all the thousands of words that I have read and the several hearings that we had regarding WPPSS when I was on the LBC and all the articles in the paper and all the criticisms, I never heard anybody say anything about the cost overruns caused by labor disputes, by change orders created by the Federal government, by the environmentalists and their concerns, of course, and we cannot forget inflation.

"I think maybe a million and a half is probably a very inexpensive way to take a look at this thing but unless we, if these are part of the heart of the problem and we aren't ever going to mention them for political reasons, then I do not think any study or any other kind of in depth penetration made by the legislature is going to do any good.

"I cannot help but think that the last labor strike at Hanford must have had a tremendous impact on those projects and would you care to answer that?"

Senator Lysen: "Well, thank you, Senator Deccio, for your compliment; I did not start out as a critic of WPPSS, by the way, I started out as a strong supporter of WPPSS, and I am a convert to my present position. My criticism of WPPSS is set in sorrow, primarily, of something that was a very good, James O'Sullivan from Senator Hansen's district, the whole history.

"But in terms of your points of labor, the Federal government, environment and inflation, those four points. I would like to respond to those.

"The Federal government, or the NRC standards have not affected the WPPSS plants at Hanford one single bit. The community over there is a hundred percent pro nuclear power, there has been no delays or anything because of environmental problems whatsoever. So that is not a valid criticism.

"The other problem of labor I think is something we should possibly mention. It has been a problem over there but my personal view is that the labor disputes over there have been caused by engineering, or a big factor in that, I think the inquiries brought that out, that the engineering is actually behind construction and engineering is pacing construction. And so that when the strikes occurred, the contract, the cost-plus, in effect, contracts were written in such a way, that the management of the construction companies continued to get paid for their overhead in administration.

"So the economic sanction which is normally in effect on both sides of a labor dispute, did not function. It is another example of the unreality situation which Senator Hemstad referred to.

"All the checks and balances we have normally in our economic system, in private industry, are not functioning at WPPSS because of the hell-or-high-water bonds written into the bond covenant, the labor contract, cost-plus, continue to get paid even though your, it is cost-plus on an hourly basis, plus management overhead, so all that reality checks have been taken away from this thing. And that's what caused it to get so out of control, in my view.

"In terms of inflation, I think the inflation of this thing is far beyond inflation as we have experienced it. The original of this cost was 4.1 billion; we are now up to an admitted 17,300,000,000, and that does not count the change order of 300,000,000 for Peter Kiewit, 308,000,000, which we just reviewed in the committee the other day just as a point of review.

"I do not know if this answers your question or not. I think Three-Mile Island is a factor here; these things do not always go the way they are planned, we are building three different kinds of plants instead of uniform engineering, you have got

boiling water reactor, we have a high pressure reactor, and a third kind of reactor from a third engineering firm. We do not have any consistency so volumes of scale is not working here. The idea was to divide it all up and give all companies a little piece of the action.

Well, it has come right back on us; in fact, I am partially responsible for some of the problems because when I was chairman of the House energy and utilities committee, in pure faith in Mr. Billington, we passed the bill out, allowing them to modify their contracts and have change order increases without having to go back and rebid the contract. This was to give them more flexibility. And they went ahead and did that, in fact, as I chaired the committee I said 'I don't think we really understand this, but because of the excellent record of Mr. Billington and the PUDs and the great credibility they have in Washington state and this legislature, we are going to pass this bill', and we passed it.

And now, here they are, four years later, they are back with another one, they want to open it up even more, total flexibility, total lack of accountability or unreality in the contract. The contracts, if this next bill goes through, are going to be totally meaningless. It is just wide open, and if that is what we want to do, that is our only solution is to give more and more power and authority and flexibility over the resources of the state to this agency and their technicians, I think we are going to be in for more and more trouble.

"And you had a long question and so I thought I had a right to give you a long answer, Senator Deccio."

Further debate ensued.

POINT OF INQUIRY

Senator Lysen: "I would like to ask a question to Senator Bottiger. For the sponsors."

Senator Bottiger: "Short question or long question?"

Senator Lysen: "Well, I think it is important, if we are serious about this bill and I know everybody wants to rush on to the other bills but I submit that this is a very important bill, one of the most important of the session.

"On page 2 of the bill, line 24, Senator Bottiger, it says 'A study director shall be appointed by Washington State University. The study director shall contract with nationally recognized expert and disinterested consultants as needed for expeditious completion of the study.'

"Now when you and I were wrestling over the auditor bill to create an auditor for WPPSS two years ago, I was allowed to put an amendment on there which took out the nationally recognized firm. It just said 'an expert' period. And the word 'nationally recognized' I understand, limits it, as I recall, to about seven consultants, very limited number; and this national, this atomic, or nuclear construction business is so pervasive that it is possible to get a nationally recognized consultant who will be disinterested? Is that really possible and wouldn't it be better if we did not have that in there unless . . . more flexible? We have always divided this million and a half dollars between Washington State and U of W; we sort of made a political cut of the pie there.

"But I am concerned that this nationally recognized expert is going to get us into an impossible situation."

Senator Bottiger: "Well, Senator Lysen, I went off the energy committee and I was not there to hear the testimony. There is a problem as you have identified with finding somebody who is disinterested, but it will be up to the University of Washington and Washington State staff directors to make that decision. If they cannot, they will undoubtedly report back to the legislature that they were not able to find any such person. I did not hear the testimony so I do not have any idea. This isn't quite exactly the same as the auditor bill and the study that has been made."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3972, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Fleming, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—34.

Voting nay: Senators Benitz, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Hansen, McCaslin, Newhouse, Sellar, Talley—12.

Absent or not voting: Senators Hayner, Jones—2.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3972, having received the constitutional majority, ed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bluechel, Senators Gould and Hayner were excused.

SECOND READING

SENATE BILL NO. 4275, by Senator Quigg:

Establishing a WSU dairy/forage research facility at Rainier school.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 4275 was substituted for Senate Bill No. 4275 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 4275 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4275 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Craswell, Lee—2.

Excused: Senators Gould, Hayner, Zimmerman—3.

SUBSTITUTE SENATE BILL NO. 4275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3389, by Senator Goltz:

Authorizing youth service corps funds to be used to match federal funds and changing age requirement for youth service corps enrollees.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3389 has advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3389 and he bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Clarke, Craswell, Deccio, Scott—4.

Excused: Senators Gould, Hayner, Zimmerman—3.

SENATE BILL NO. 3389, 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 Clarke, Senate Bill No. 4190 will be considered following Senate Bill No. 4036.

SECOND READING

SENATE BILL NO. 3308, by Senators Woody, Quigg, Shipoch, McCaslin, Moore and Hansen:

Limiting the amount of areas zoned residential which may exclude mobile homes.

MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 3308 was substituted for Senate Bill No. 3308 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 3308 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3308, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator McDermott—1.

Excused: Senators Hayner, Zimmerman—2.

SUBSTITUTE SENATE BILL NO. 3308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4036, by Senators Deccio, Hansen and Quigg:

Requiring a bond to maintain an action based on the State Environmental Policy Act of 1971.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 4036 was substituted for Senate Bill No. 4036 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Ridder, Senator Shinpoch was excused.

Senator Bluechel moved adoption of the following amendment by Senators Goltz and Bluechel:

On page 1, line 12, after "review" insert "if a procedure for administrative appeal is available"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Goltz, . . . the amendment if the procedure for administrative appeal is available, could you give me some examples of what administrative appeals are available? I guess I am not sure exactly what kind of a structure we are talking about in the amendment."

Senator Goltz: "My understanding that when an appeal is made and this usually occurs in a county which has a fairly sophisticated way of dealing with the state environmental policy act permit system, that they will be able to go from the filing of this permit to an appeal to someone within the county organization. That person would ordinarily be a hearings officer or someone of that kind, just short of a judicial review.

"My further understanding that in some counties, such as San Juan county, such sophistication is not available and therefore there is not a hearings officer, and in such counties as that, I think the judicial system has to be available.

"So this really tries to say that if there is no administrative appeal to a hearings officer or quasi-legal judicial officer, then the judicial review, of course, would still remain."

POINT OF INQUIRY

Senator Hemstad: "Senator Bluechel, in reading section 1, with or without the amendment, is the thrust of this that this will foreclose access to judicial review of decisions made within the system?"

Senator Bluechel: "You have asked a question that may require me to explain the whole bill and the procedures how we came to this bill.

"Yes, this would, in the counties that have the ability of administrative review. The reason for the amendment is to eliminate those counties where they do not have administrative reviews.

"Now, to further explain, and it will take an explanation of the whole bill. What we are trying to do here, and this is one part of a two-part sequence, the other being a study bill that is designed to tackle the whole issue of SEPA, the state environmental policy act. For the past ten years, we have had a situation where the

environmental groups on one hand and the industry-builder groups on the other hand, have been sparring with each other, literally not talking to each other, and both sides complaining about SEPA. There was testimony in the committee from the attorney and I believe president of the Friends of Washington which is a large broad-based environmental group, that SEPA simply was not working and something needs to be done. There was testimony from the builders that SEPA was costing the average citizen on a residence, as much as \$5,000 additional for the paper work and for the delay.

"The end result of trying to put together a compromise, and we took a bill that was, quite frankly, very slanted one way, and tried to arrive at a middle ground. The three points in this bill as evidenced in each one of the three sections there, were worked out, negotiated, partially agreed to, partially disagreed to; it was the best we could do.

"The two points of these amendments that Senator Goltz and I are proposing here, are a further safeguard so that this trial period, and by trial period if you will notice, each one of these sections has a sunset clause for July 1, 1983. What we have is a partial agreement between the various parties; individually, parties have come up and said 'That is fine, we can live with it'. The whole idea of this thing is to put this together so that then we have a much broader agreement on the two-year study bill; and it does limit it in the way that I first mentioned to you, but only in those counties that we felt, and many of the people on both sides felt, had different remedies that would not, that would preclude any bad actions in terms of environment."

Further debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Bluechel, I have a published sheet here by the Washington Environmental Council where they are very much, at least, they say they are very much opposed to substitute senate bill 4036. The question is, would your amendment make the bill more acceptable to them, or do you think it would make it less acceptable to the people who are opposed to 4036?"

Senator Bluechel: "A direct answer to that question, in talking to Mr. Leeds yesterday in the hallway downstairs, he said, 'That is a substantial improvement.'"

Senator Metcalf: "This amendment that you have today?"

Senator Bluechel: Yes. Yes. And the amendment was agreed to by the industry representatives."

The motion by Senator Bluechel carried and the amendment was adopted on a rising vote.

On motion of Senator Goltz, the following amendment by Senators Goltz and Bluechel was adopted:

On page 1, line 25, after "consistent with the" strike everything down through "governing" on line 26.

Senator Hurley moved adoption of the following amendment:

On page 1, line 15 after "filed" insert a period and strike the remainder of the sentence.

Debate ensued.

The motion by Senator Hurley failed and the amendment was not adopted on a rising vote.

On motion of Senator Fuller, the rules were suspended, Engrossed Substitute Senate Bill No. 4036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4036, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild—28.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Hemstad, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Ridder, Shinpoch, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody—19.

Absent or not voting: Senator Gould—1.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

April 20, 1981.

TO: Honorable Sid Snyder
Secretary of the Senate

FROM: Senator Hal Zimmerman

RE: Statement for the Journal

Because of the recent death of my daughter, Judi Jean Zimmerman, I missed session and votes on measures before the Senate on the following days: March 31, April 1, 10, and 11. Republican Caucus leadership arranged to hear a consent calendar so that there would be no major controversial issues decided those days.

MOTION

At 3:30 p.m., on motion of Senator Clarke, the Senate adjourned until 11:00 a.m., Wednesday, April 1, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 1, 1981.

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Zimmerman. On motion of Senator Bluechel, Senator Zimmerman was excused.

The Color Guard, consisting of Pages Shawn Stoner and Nannette Gilmore, presented the Colors. Reverend Richard Hart, Senior Pastor of the First Baptist Church of Olympia offered the following prayer:

"In light of the news that has been released concerning Senator Zimmerman and the sorrow of his family, it is appropriate that we should spend a few moments in silent prayer for them.

(A moment of silent prayer was observed)

"ETERNAL FATHER, EXPERIENCE HAS TAUGHT US THAT ALL IN LIFE IS NOT FAIR OR GOOD. WE SEE IT ALL AROUND US EVERYDAY, BUT SOMEHOW IT APPEARS SO MUCH MORE INTENSE WHEN IT REACHES OUT WITH ITS UNEXPECTED AND UNWELCOMED HAND AND TOUCHES US AND THE ONES WE ARE ABOUT. WE WANT TO HOLD UP IN THIS SACRED MOMENT SENATOR ZIMMERMAN, JUDY, HIS WIFE, AND OTHER MEMBERS OF THE FAMILY, MAY YOUR EVERLASTING ARMS OF PEACE AND COMFORT HOLD THEM CLOSE DURING THESE DAYS OF NEED. WE ARE GRATEFUL FOR THEIR FAITH AND PRAY THAT IT MAY BECOME A VERY REAL SOURCE OF STRENGTH IN THESE MOMENTS OF PAIN AND SORROW. AND THEN, O LORD, MAY THEY EVEN NOW BEGIN TO EXPERIENCE THAT SPECIAL HEALING WHICH COMES BY YOUR GRACE. MAY THEY KNOW THAT WE CARE. WE PRAY ALSO FOR ALL THE MEMBERS OF THE SENATE AS THEY GO ABOUT THE TASK OF MEETING THEIR RESPONSIBILITIES FOR THIS DAY. GRANT TO EACH OF THEM WISDOM BEYOND THEIR OWN. IN THE NAME OF CHRIST OUR LORD. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

March 31, 1981.

ENGROSSED HOUSE BILL NO. 163, permitting handicapped voters to be assisted by another voter or by election officials (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Ridder, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 31, 1981.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 243,
 SUBSTITUTE HOUSE BILL NO. 293,
 SUBSTITUTE HOUSE BILL NO. 333,
 HOUSE BILL NO. 367,
 HOUSE BILL NO. 442,
 SUBSTITUTE HOUSE BILL NO. 520,
 ENGROSSED HOUSE BILL NO. 531,
 ENGROSSED HOUSE BILL NO. 599,
 HOUSE BILL NO. 664, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 31, 1981.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 100,
 HOUSE BILL NO. 221,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, and the same are
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 31, 1981.

Mr. President: The Speaker has signed: SENATE BILL NO. 3213, and the
 same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

ENGROSSED HOUSE BILL NO. 100, by Representatives Wang, Mitchell,
 Winsley, Eng, Salatino, Ellis, Maxie, Brown, Johnson, Pruitt, Tupper, Lux, Burns
 and Nelson (D):

Authorizing first class cities to enact ordinances against discrimination.
 Referred to Judiciary Committee.

HOUSE BILL NO. 221, by Representatives Thompson, Rosbach and
 Flanagan:

Authorizing county solid waste disposal districts.
 Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 243, by Committee on Education (origi-
 nally sponsored by Representatives Sommers, Eng, McDonald, Galloway, Martinis,
 Taylor, Nelson (G), Grimm, Chandler, Ehlers, Bender, Becker and Hastings):

Modifying the transitional bilingual instruction act.
 Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 293, by Committee on Ethics, Law and
 Justice (originally sponsored by Representatives Patrick, Brown, Barr and Stratton):

Making prostitution involving a minor a class C felony.
 Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, by Committee on
 Labor and Economic Development (originally sponsored by Committee on Labor
 and Economic Development and Representatives Fancher, Nelson (G) and
 Gallagher):

Implementing the law relating to unemployment compensation.
 Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 333, by Committee on Agriculture (originally sponsored by Representatives Padden, Galloway, Barr, Prince, Amen, Nickell and Clayton):

Repealing wheat commission statutes.

Referred to Committee on Agriculture.

HOUSE BILL NO. 367, by Committee on Labor and Economic Development and Representatives Sanders, Flanagan, Smith, Garrett, Lux, Clayton, Barr, Barrett, Brown, Scott and King (J):

Clarifying registration requirements for contractors.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 442, by Committee on Labor and Economic Development and Representatives Sanders, Scott, Eberle, Garrett, Nelson (G) and Clayton:

Revising laws pertaining to discipline of engineers.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 520, by Committee on Higher Education (originally sponsored by Committee on Higher Education and Representative Teutsch):

Implementing the law relating to community colleges.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 531, by Committee on State Government and Representative Addison.

Modifying provisions relating to the cemetery board.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 599, by Committee on Ethics, Law and Justice and Representatives Ellis, Rinehart, Patrick, Padden, Pruitt, Schmidt, Granlund, Becker, Bickham, Wang, Tupper, Salatino, Winsley, Tilly, Gruger, Nelson (D), Valle, Maxie, Lux, Eng, Burns, Galloway, Grimm, Rust and Brown:

Modifying provisions relating to enforcement of judgments.

Referred to Judiciary Committee.

HOUSE BILL NO. 664, by Representatives Leonard, Berleen and McGinnis:

Modifying requirements for annexation petitions.

Referred to Committee on Local Government.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4190 on the Regular Calendar and will proceed from that point through the Calendar.

SECOND READING

SENATE BILL NO. 4190, by Senator Lee:

Providing for a study and evaluation of the state environmental policy act.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 4190 was substituted for Senate Bill No. 4190 and the substitute bill was placed on second reading and read the second time in full.

Senator Hurley moved adoption of the following amendment:

On page 3, line 7, strike all language after "shall" down to and including the period on line 9 and insert "include one representative of the Washington Environmental Council, one representative of business, one representative of labor and one representative of the public at large."

Senator Pullen moved adoption of the following amendment to the amendment by Senator Hurley:

On the third line of the Hurley amendment, strike "the Washington Environmental Council" and insert "a citizens' environmental group"

POINT OF INQUIRY

Senator Hurley: "Senator Pullen, there was a member of a citizens' advisory, environmental group who spoke to the committee, and I, for one, thought that he was representative of a larger group, a statewide group, and it certainly affected my opinion of the whole bill because he spoke in a very responsible manner and I thought he must be speaking for the whole state. And he was not; and I resented some of the things that he said and the attitude that he had.

"And I wonder if you could change your amendment to say, 'a large,' or 'a representative,' or a, whatever could you say before that word 'citizens' environmental group' in order to make it a statewide, a statewide citizens' environmental group; maybe that would be it. Would you please offer that type of amendment to your amendment?"

Senator Pullen: "I am sure that that can be worked out if we could just move the bill down one bill. Mr. President, I move that the bill be moved down one notch on the calendar."

MOTION

On motion of Senator Pullen, Substitute Senate Bill No. 4190, together with the pending amendment by Senator Hurley and the amendment to the amendment by Senator Pullen was ordered held following Senate Bill No. 3591.

SECOND READING

SENATE BILL NO. 3591, by Senators Craswell, Bottiger and Guess:

Permitting counties to establish local improvement districts for water, sewer and/or drainage.

REPORT OF STANDING COMMITTEE

March 24, 1981.

SENATE BILL NO. 3591, permitting counties to establish local improvement districts for water, sewer, and/or drainage (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 9, after "by" insert "ordinance or"

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, McCaslin, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Craswell, the committee amendment was adopted.

On motion of Senator Craswell, the rules were suspended, Engrossed Senate Bill No. 3591 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Craswell, is it the intent to issue these bonds and the assessments for the bond payment would come out of what the LID bonds would be guaranteed by the LID district?"

Senator Craswell: "Yes, the LID bonds would be guaranteed. They are easier to get investors because they are based on the property values; and the assessment comes off the property values; and they operate just like any other LID."

Senator Rasmussen: "Well, at what stage would the assessment be placed on the property, at the time the services were offered, or prior to?"

Senator Craswell: "The bill picks up the same language for all other LIDs."

Senator Rasmussen: "And all other LIDs usually, the project is completed and then the assessments are spread on the tax rolls and notification sent out to property owners."

Senator Craswell: "Senator Rasmussen, it is my understanding that these operate the same way. The people have the same right to appeal the initiative process and it takes the same public hearings and the assessment operates the same way as cities now do."

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, I had a particular concern about the city of Seattle but it already has sewer and water provided by the city of Seattle. Would it be the intention of the bill to permit a local improvement district that would, in any way, supersede the existing sewer and water authority of the incorporated portions of the county?"

Senator Craswell: "No, Senator Talmadge, I do not believe that that would be the intent of the bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3591, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 3591, 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.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 4190 will be considered following Senate Bill No. 3824.

On motion of Senator Clarke, Senate Joint Resolution No. 115, and Senate Bill No. 3554 were ordered held for consideration on April 2, 1981.

SECOND READING

SENATE BILL NO. 3717, by Senators Peterson and Goltz:

Authorizing criminal justice training for law enforcement personnel of recognized Indian tribes.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 3717 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3717, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 3717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3824, by Senators Talley and Fuller:

Authorizing adjacent landowners to own accretion caused by the volcanic eruption.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3824 was substituted for Senate Bill No. 3824 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 3824 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talley, that Toutle river, did it cut any new channels?"

Senator Talley: "It used to have a gravel bed and was a beautiful river; now it is just a drainage stream full of mud."

Senator Rasmussen: "I realize that; my concern was whether or not it would cut a new channel if this would give new property to other owners."

Senator Talley: "I do not know; I do not think so, you've got to move that mud; some of that mud is over one hundred feet deep. . . shove the property back. Some of those homes are shoved back two and three hundred feet just by the mud, just oozed in there and carried them back. It is not like a flood or anything like that . . . it is just oozing mud."

Senator Rasmussen: "I can understand the problem, but my concern was did the river cut a new channel, if you were giving for a dollar a year, a lease of accreted lands to some other party because of the river channel."

Senator Talley: "We think within a ten-year period, it will probably get stabilized and we'll know what we have. The mountain is still in an active, still acting, they expect another eruption at any time; so we do not know what we've got, we do

not know what we will have. This will give us some time to study it and to work with it and the department can come up with some recommendations as to what should be done."

Senator Rasmussen: "Thank you, Senator Talley. Senator Guess, did you have something you wanted to add to it?"

REMARKS BY SENATOR GUESS

Senator Guess: "Senator Rasmussen, the corps of engineers is working now to try to define the channel. They are building a revetment, they are putting a channel into a stream bed so that there is some degree of semblance of what happened down there, what was there before. It will take several years before the corps of engineers finishes their project. You have to realize that this might all be for naught, because there is a 200 foot dam of mud or silt up in the Toutle, and if this comes out again, then, of course, all of this will be lost. When we went down there, we determined that it would be better to put off the final settlement on it for a period, and let those people have access to the water in the meantime so that they could do the necessary watering and swimming and whatever they wanted to do on it as a . . . from the department of natural resources. If anything happens to the mountain, then of course, they will have to start all over again."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3824, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SUBSTITUTE SENATE BILL NO. 3824, 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 Clarke, Substitute Senate Bill No. 4190 was ordered held for consideration following Senate Bill No. 4083.

SECOND READING

SENATE BILL NO. 4085, by Senators Gould, Williams and Newhouse (by Governor's request):

Modifying powers and duties of the energy office.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 4085 was substituted for Senate Bill No. 4085 and the substitute bill was placed on second reading and read the second time in full.

Senator Williams moved adoption of the following amendment:

On page 2, line 12, strike "economic" and insert "general"

POINT OF INQUIRY

Senator Pullen: "Senator Williams, could you give me some examples of general welfare that would come under the purview of the act as you would amend it, that would suggest that we ought to vote for your amendment? In other words, you said that economic welfare is too narrow and we should broaden it to general welfare, but could you give me an example of an impact on the citizens that would come under general welfare that would not be included under health and economic welfare, which is the wording in the bill right now?"

Senator Williams: "Well, I think possibly if one were to get into, let us say some sort of general criteria which would compare different classes of either business or residences and that sort of thing. 'Economic' generally, to me, seems to be too narrow and 'general' could refer beyond just general health but could refer to the general standard of living."

Debate ensued.

The motion by Senator Williams carried and the amendment was adopted on a rising vote.

Senator Williams moved adoption of the following amendment:

On page 8, line 11, after "nine" insert "voting"

POINT OF INQUIRY

Senator Lysen: "Senator Williams, this question of voting or nonvoting members, the council is advisor, purely advisory. What would it have to vote on that would be binding in any way on the director? I do not quite understand just what the distinction here is?"

Senator Williams: "Well, there are a number of agencies, state agencies, that have advisory council, and from time-to-time they perhaps are asked to render some opinion on policy and so forth. I am thinking of some advisory councils that I know of that have a role and they do go through proper procedures and do have voting on them. It is a good point, though, but it is an advisory council and . . ."

Senator Lysen: "I guess what my question is to the sponsors of the bill is, what advisory council and, do they have to keep minutes then and recorded votes, and what does the director have to do if he feels one way and the council feels another? Who is responsible? I would hold the director responsible, not an advisory council."

"I am going to offer an amendment to strike this whole section, but thank you."

POINT OF INQUIRY

Senator Fuller: "Senator Williams, on line 21 of that page, it refers 'in addition there shall be four nonvoting members.' Is that an implication that the other nine members are voting members?"

Senator Williams: "That would be, that is the indication, or the implication. However, just to clarify, that is the purpose of my amendment, to make sure that the nine members are voting members and that later on where these four additional members are on the council, that they are indicated as nonvoting."

The motion by Senator Williams carried and the amendment was adopted.

On motion of Senator Williams, the following amendment was adopted:

On page 8, line 17, after "appointments." insert "Members may be reappointed."

Senator Lysen moved adoption of the following amendment:

On page 8, line 8, strike "Sec. 7."

Re-number accordingly.

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Gould moved the rules be suspended, Engrossed Substitute Senate Bill No. 4085 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gould, in new section 12 would indicate that the new energy office is going to have land leasing responsibilities adjacent to the Hanford reservation may lease to anybody; and then, while I am asking you and you are getting the information, it also provides 'To assure maintenance of such insurance coverage by state licensees, lessees, or sub-lessees as will adequately, in the opinion of the director . . . protect . . . the state' and so forth. That, at the present time, land leasing, is under the director of natural resources and the insurance purchasing under the general administration. And none of these duties were ever under the energy office. Yes or no?"

Senator Gould: "No, but I would like to respond further than that.

"The reason this is in there is because it shifts the responsibility for the Hanford radioactive waste project to the department of energy. It has been under the office of commerce and economic development and they have really not done anything with it. We felt, and the recommendation was, that it would be more appropriate to have that under the department of energy, and that is specifically what they are talking about."

Senator Rasmussen: "Well, Senator Gould, what about the insurance?"

Senator Gould: "Pardon me, I had to confirm what I already believed, that that part of the Hanford project again, the radioactive waste project, they would then have control of the insurance part. It is just part of that package is their having responsibility for that project area."

POINT OF INQUIRY

Senator Wilson: "Senator Gould, although I signed this bill out, my attention is captured by a sentence on page 29 of the yellow digest which says, 'The office will no longer develop and disseminate guidelines for conservation plans but instead merely provide support for increasing cost-effective conservation.'

"Now this energy office has been busy writing reports and compiling information and studying data, and so on. And the one thing that I felt it has not been doing, most importantly, is developing specific conservation plans that individual home owners and businesses could implement and then mailing this material out and disseminating it around the state and getting out into the sticks and encouraging people actually to install conservation devices and procedures in their homes and businesses.

"A number of individual utilities are doing this sort of thing, but I do not see any entity in the state that is really spearheading a well-coordinated comprehensive energy conservation program which, if adopted by a lot of citizens, could, of course, eliminate the need for a considerable addition to our generating facilities.

"And my question is then, does this sentence indicate that the new bill will reduce, rather than increase, the department's responsibility in this area that I am talking about?"

Senator Gould: "The answer is 'no,' but I will elaborate on that.

"Part of the responsibility for the northwest regional power council will be in the area of conservation and encouraging conservation, in fact, that is tops on their list, as you well know. The state energy office will be the coordinating group for the state of Washington for that process. Local jurisdictions, local communities, will be helped through the state energy office to develop plans, programs, etc. for conservation that would be under the original power council."

Senator Wilson: "Yes, that is an accurate answer, however, I take it that, what I am talking about is this office taking some initiative on its own in the area of conservation, rather than trying to implement what the regional council may or may not do.

"And my question then, is, is the authority in the directions, does the energy office to do that sort of thing, enhanced or diminished by this bill, in comparison with its present directives?"

Senator Gould: "Senator Wilson, in response to your comments, I would say it is not enhanced by this. I would have to say that the promulgation of rules will come under the building codes which we are going to be, the state energy building code which we will be voting on shortly. They will still be able, the energy office, within what resources they have, will still be able to help to promote conservation and help develop plans. That is as much as I can give you, I am sorry."

POINT OF INQUIRY

Senator Hayner: "Senator Gould, I notice on page 5, the energy office is to 'prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors . . .' almost endless number of factors because it says 'not limited to.'

"One of the things that I would like you to respond to, are they going to do forecasting and come up with all kinds of cost estimates and that sort of thing?"

Senator Gould: "One of the specific questions that was determined, was this particular issue because it was a controversial issue. They will not be doing forecasting. They will be analyzing current forecasts that are produced, however; but they will not be doing their own forecasting."

The motion by Senator Gould carried and Engrossed Substitute Senate Bill No. 4085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage on a rising vote.

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Gould, on page 6, new section 5 of the bill, it says, 'The office shall not intervene in any regulatory proceeding before the Washington utilities and transportation commission or proceedings of utilities not regulated by the commission.' I would like to know why that was put in there, that the energy office, the governor through his energy office should be allowed that leeway. Any other agency can intervene, the department of general administration or the attorney general and so forth, can intervene if they so desire. I would like to know what possible reason there was to specifically exclude the governor, through his energy office where the expertise lies, from intervening and participating in UTC proceedings."

Senator Gould: "Senator Lysen, specifically those two are separate entities and should not, in my mind, even if it had been recommended that they do, that they should not interfere with each other's positions. The UTC is a regulatory body, it has specific design requirements, and the department of energy does not deal with those particular issues. They can certainly give information for the UTC, that is not precluded by this; but for them to interfere in decisions by the UTC, I think would be inappropriate."

Senator Lysen: "I guess I do not quite understand Senator Gould. The other agencies of state government are not specifically precluded and can intervene in these proceedings; and the one agency under the governor's office, or part of the governor's office that it does have the expertise to intervene and represent the consumer or the utility or whatever the case may be, is excluded here.

"I really feel that this is unfortunate that this language is in the bill, that that option should be left open to the governor and to the director of UTC and this advisory council he is going to have with voting and nonvoting members to make those decisions, because this is where the expertise is going to be and they should not be excluded."

Further debate ensued.

MOTION

At 12:50 p.m., on motion of Senator Clarke, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 3:00 p.m.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4085, by Committee on Energy and Utilities (originally sponsored by Senators Gould, Williams and Newhouse):

Modifying powers and duties of the energy office.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 4085 on third reading from earlier today.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4085, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Peterson, Ridder, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Guess, Haley, Hansen, Hayner, Hughes, Lysen, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Scott, Vognild—20.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4208, by Senators Gould, Newhouse and Williams:
Modifying the governor's powers during energy shortages.

REPORT OF STANDING COMMITTEE

March 23, 1981.

SENATE BILL NO. 4208, modifying the governor's powers during energy shortages (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 4, after "liable for" insert "any lawful"

On page 7, line 5, after "taken" insert "in good faith"

On page 7, line 17, delete "application" and insert "written request"

On page 7, line 17, after "by the" insert "chief executive of the"

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendments were adopted.

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 4208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4208, and the bill passed the Senate by the following vote: Yeas, 43, nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators McCaslin, Metcalf, Pullen, Rasmussen—4.

Absent or not voting: Senator Deccio—1.

Excused: Senator Zimmerman—1.

ENGROSSED SENATE BILL NO. 4208, having received the constitutional majority, sed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4083, by Senators Hemstad, Talmadge and Clarke:

Placing judicial training under the administrator for the courts.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Senate Bill No. 4083 was advanced to the third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4083, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Zimmerman—1.

SENATE BILL NO. 4083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4190, by Committee on Parks and Ecology (originally sponsored by Senator Lee):

Providing for a study and evaluation of the state environmental policy act.

The Senate resumed consideration of Substitute Senate Bill No. 4190 from earlier today. An amendment by Senator Hurley had been moved for adoption and an amendment by Senator Pullen to the amendment by Senator Hurley had been moved for adoption.

There being no objection, on motion of Senator Hurley, the amendment was withdrawn.

There being no objection, on motion of Senator Pullen, the amendment to the amendment by Senator Hurley was withdrawn.

On motion of Senator Hurley, the following amendment was adopted:

On page 3, line 7, after "and" and before "shall" insert "shall include, but not be limited to, representatives of a statewide environmental organization, representatives of business, labor, and of the public at large, and"

Senator Hurley moved adoption of the following amendment:

On page 3, line 21, after "of" strike all the language down through "sources" on line 23 and insert "fifty thousand dollars"

Debate ensued.

POINT OF ORDER

Senator Charnley: "I believe Senator Bluechel has already spoken on this issue once."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your point is well taken, Senator."

POINT OF INQUIRY

Senator von Reichbauer: "Senator Bluechel, you have dealt with this bill. Can you give me some background on the makeup of the membership of"

POINT OF ORDER

Senator Bottiger: "Senator von Reichbauer is obviously stretching and violating the intent of the rule, that he ask specific question; but it's a rather general invitation to speak for three more minutes."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I would have to agree with Senator Bottiger, but I would also have to make the observation at this time that the precedent for that type of procedure seems to have been pretty well set, and if it is understood that the same 3-minute rule would apply with respect to questions and responses, and also the proposition that the people should not speak more than the allotted time, I would go along. I think that it is quite true that the intent of the limitation rule is being routinely avoided simply through the proposition of purporting to ask a question.

"Another, as long as I am on my feet also, I would hate to be in the position of the journal clerk who is endeavoring to determine what portion of the question and answers should go in the journal because unfortunately in connection with asking a question, many times a speech is first given, and then a rather simple question is added at the end of the speech. And by simple, I mean simple."

There being no objection, on motion of Senator von Reichbauer, the Point of Inquiry directed to Senator Bluechel was withdrawn.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Jones: "Mr. President, the inquiry is, was the Hurley amendment, she spoke twice on it, so that does open it and close debate on the amendment as well?"

REPLY BY THE PRESIDENT

President Cherberg: "The President does not think that your proposal fully covers that situation, Senator Jones."

Senator Jones: "I am sure it does."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hurley.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 33; nays, 14; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lysen, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Ridder, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—33.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gallagher, Haley, Kiskaddon, Lee, McCaslin, Newhouse, Rasmussen, Scott, Sellar—14.

Absent or not voting: Senator Bauer—1.

Excused: Senator Zimmerman—1.

On motion of Senator Fuller, the rules were suspended, Engrossed Substitute Senate Bill No. 4190 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4190, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Metcalf—1.

Excused: Senator Zimmerman—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4190, 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 Clarke, Senate Concurrent Resolution No. 109 was ordered held for consideration on April 2, 1981.

SECOND READING

SENATE BILL NO. 3310, by Senators Gould, Williams and Fuller:

Confirming rules adopted as standards for energy use in buildings.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 2, line 32, after the semicolon insert "shall prohibit the installation of urea-formaldehyde based foam insulation in any residential structure within the state whether such structure is new or otherwise;"

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, I am just now getting the bill out and so all I have is the last half of the sentence in front of me and I cannot see quite where it fits into the bill. Your amendment inserts 'shall prohibit the installation of urea-formaldehyde.' Can you tell me who shall prohibit that? I am trying to get the bill out so I can see how it fits and I wanted to see"

Senator McDermott: "I'll talk while you open it. It is 140, is the book number and it is on the second page if you go down to line 32, the paragraph reads 'The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a statewide thermal efficiency and lighting code to the extent necessary to comply with Title 10' and so forth and then on line 32, it says 'Such code shall take into account regional climatic conditions;' and then my amendment 'shall prohibit the installation of urea-formaldehyde base foam insulation in any residential structure within the state whether such structure is new or otherwise. . . .'"

Senator Pullen: "Okay, that clarifies it but it raises another question.

"Is it your intent, then, to allow the state building code advisory council to have a certain amount of flexibility in how they shall constitute that prohibition? In other words, since they will be promulgating rules and regulations, will those rules and regulations perhaps allow a certain degree of flexibility, for example, depending on how the urea-formaldehyde installation is installed or the method of preparation or something like that. Part of the problem is the number of volatiles that are released in this type of insulation; and the number of volatiles that you get is highly dependent upon the process of installation; and is it your intent that the state building code advisory council shall have some flexibility in determining conditions under which the urea-formaldehyde insulation can or cannot be used, or is it your intention that there shall be an absolute prohibition of use under any and all circumstances?"

Senator McDermott: "You asked me several questions, but let me try and give you what my intention is. It is basically a health question that I am raising here and it is my intention that the prohibition be to prevent any kind of health problems from the use of urea-formaldehyde insulation.

"Clearly, I am not. Senator Guess earlier suggested I do not know everything about everything, but I do know that there are significant health problems and it is in that direction that I am aiming this amendment because many people have become ill from living in homes where this insulation has been installed."

Senator Pullen: "But the state building code advisory council can, in their rules and regulations. . . ."

President Cherberg: "Three minutes are up."

Senator Pullen: ". . . set the circumstances under which"

Senator McDermott: "It is not my intention to tie their hands, I think they have to have flexibility, but I am concerned about the health and I think that any rules they make should not create a health problem."

The motion by Senator McDermott carried and the amendment was adopted.

Senator Quigg moved the following amendments be considered and adopted simultaneously:

On page 1, line 19, delete "1976" and insert "~~((1976))~~ 1979"

On page 1, line 22, delete "1976" and insert "~~((1976))~~ 1979"

On page 1, line 26, delete "1976" and insert "~~((1976))~~ 1979"

On page 2, line 3, delete "1976" and insert "~~((1976))~~ 1979"

On page 2, line 3, after "edition," insert "with 1980 amendments"

MOTION

At 4:05 p.m., on motion of Senator Clarke, the Senate recessed until 6:30 p.m.

EVENING SESSION

The President called the Senate to order at 6:30 p.m.

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

REPORTS OF STANDING COMMITTEES

March 31, 1981.

REENGROSSED HOUSE BILL NO. 52, giving school administrators authority to order those persons appearing under the influence of alcohol or drugs off school property (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Lee, Talmadge.

Passed to Committee on Rules for second reading.

March 31, 1981.

HOUSE BILL NO. 186, implementing the law relating to elections to State Board of Education (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Scott, Talmadge.

Passed to Committee on Rules for second reading.

MOTION

At 6:45 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m.

SECOND EVENING SESSION

At 7:00 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 7:35 p.m.

SECOND READING

SENATE BILL NO. 3310, by Senators Gould, Williams and Fuller:

Confirming rules adopted as standards for energy use in buildings.

The Senate resumed consideration of Senate Bill No. 3310 from earlier today.

An amendment by Senator McDermott had been adopted. Senator Quigg had moved that amendments to pages 1 and 2 be considered and adopted simultaneously.

The motion by Senator Quigg carried and the amendments were adopted.

There being no objection, on motion of Senator Vognild an amendment to page 2, line 35 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Quigg, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "to" strike "energy-related"

On motion of Senator Gould, the rules were suspended, Engrossed Senate Bill No. 3310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Gould, this is so we can get a legislative record on this. When we passed the code four years ago, we did have some litigation problems that you referred to. Now this code when it passes, this will allow local cities, such as Seattle, if they want to pass a more stringent code in some areas, they will be able to do it. This is a minimum standard code, is it not, and local jurisdictions will have the authority to go beyond this if it is their decision to do so?"

Senator Gould: "Yes, that is true. The local governments may adopt more stringent codes if they desire to."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3310, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—44.

Voting nay: Senators Pullen, Rasmussen, Sellar, Wilson, Zimmerman—5.

ENGROSSED SENATE BILL NO. 3310, 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.

POINT OF ORDER

Senator Bottiger: "Mr. President, according to the calendar that is published by rules known as the yellow sheet, the next bill for consideration should be SB 3920, local ordinances against discrimination."

President Cherberg: "Senator Bottiger's raised the point that the next bill to be considered should be Senate Bill 3920. Do you wish to explain your point, Senator?"

Senator Bottiger: "Well, Mr. President, the rules committee published a series of calendars, the yellow calendar, the ivory calendar, and there is a pink consent calendar. We were on the yellow calendar, we just finished Senate Bill 3310, the next order of business should have been 3920. I am aware that the rules committee has subsequently met and, over the protests of the Democratic members of that, purported to rearrange the calendar. But I would point the President's attention to rule 52 which first provides that the committee on rules may arrange the calendar. And then the second paragraph, 'The senate may change the order of consideration of bills on the second or third reading calendar.'

"Now once the bills were reported from the rules committee in the order contained in the yellow, the ivory and pink calendars, the bills are in the possession of the Senate and it is my point of order, Mr. President, that the rules committee lost its authority to rearrange that calendar."

MOTION

Senator Clarke: "Mr. President, I move that the Senate do now reconstitute the calendar, pursuant to the list that is now on the desk of each member, starting with Senate Bill 3871 and continuing on down that list as is on the desk of each Senator."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Clarke to reconstitute the Senate Calendar as shown on the list distributed to each member's desk.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

SECOND READING

SENATE BILL NO. 3871, by Senators Benitz, Patterson and Guess:
Facilitating construction of a toll bridge at north Richland.

REPORT OF STANDING COMMITTEE

March 3, 1981

SENATE BILL NO. 3871, facilitating construction of a toll bridge at north Richland (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "and" strike "shall" and insert "may"

On page 1, line 21, after "and" strike "may" and insert "shall"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Guess, Hansen, Metcalf, Peterson, Talley, Vognild.

The bill was read the second time by sections.

Senator Benitz moved that the two committee amendments be considered and adopted simultaneously.

On motion of Senator Charnley, the question was divided.

On motion of Senator Benitz, the committee amendment to page 1, line 19 was adopted.

Senator Benitz moved adoption of the committee amendment to page 1, line 21.

POINT OF INQUIRY

Senator Bottiger: "Senator Benitz, I know we have had toll bridges before, but this, as I read this now, we are also applying the toll bridges to how many miles of road?"

Senator Benitz: "It is not fully determined but it is much less than the former Senator Mike McCormack from this body included in the Vernita toll bridge, it is only a small fraction of that amount."

Senator Bottiger: "So there is a precedent there, we have before financed roads with toll bridges?"

Senator Benitz: "The precedent was set by Senator McCormack when he was in this body."

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

REQUEST TO BE EXCUSED

Senator Moore: "I would like to be excused from the Senate. I stand to benefit greatly from the improvement which will be caused by that bridge and I would just feel better if I were allowed to be excused.

"As you know, I have never requested this before and I have a pretty fair voting record, maybe not by everybody's standards but at least I vote. And with that I ask your permission to be excused."

The President declared the question before the Senate to be the roll call on the committee amendment to page 1, line 21.

ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Excused: Senator Moore—1.

MOTION

Senator Benitz moved the rules be suspended, Engrossed Senate Bill No. 3871 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

There being no objection, on motion of Senator Benitz, the motion to advance Engrossed Senate Bill No. 3871 was withdrawn.

Engrossed Senate Bill No. 3871 was passed to Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4315, by Senators Quigg, McCaslin, Fuller, Newhouse, Gould and Bluechel:

Extending powers of joint operating agencies.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 4315 was substituted for Senate Bill No. 4315 and the substitute bill was placed on second reading and read the second time in full.

Senator Lysen moved adoption of the following amendment:

On page 1, line 5, after "Section 1." strike everything down through the period on line 8.

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted on a rising vote.

There being no objection, on motion of Senator Lysen, the amendment to page 1, line 9 on the desk of the Secretary of the Senate, was withdrawn.

Senator Lysen moved adoption of the following amendment:

On page 1, line 9, after "plants" strike everything down through the period on line 11 and insert "has not occurred."

The motion by Senator Lysen failed and the amendment was not adopted on a rising vote.

Senator Williams moved adoption of the following amendment:

On page 1, line 19, after "having" strike "eighty" and insert "one hundred"
Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Quigg, under your bill, if this amendment were not to pass, would it be possible to sell the plants and then the ratepayers, the public utilities, the ownership and obligations to the bonds, they would still hold the obligations on the bonds, or a portion of those bond obligations, even though they had sold the plants?"

Senator Quigg: "Senator, if those plants were sold, they would be sold for a consideration, hopeful, and that consideration, I imagine, would be applied to retire debt or to complete other plants. You see, I think that is the problem we have here; we have a lot of assets but we are short of cash; and what this provides is a way to turn some of those assets into cash to finish what plants we have, rather than have them go back to an already saturated bond market. So I imagine the management would need that latitude to pay down those bonds and to put that back into complete the plant."

Senator Lysen: "That would just be in terms of the cash flow, how they handle that, I am not concerned about that. What I am actually concerned about is a situation where we could end up with the public utilities having the debt or the bond and not having the plants.

"We could have the worst of both worlds I guess; some people would interpret it that way. Would that be possible under your bill? I guess what I am concerned about if we are going to sell the plants, they should take with them the obligation to pay off the bonds. That is what I am concerned about, and how would you explain that portion?"

Senator Quigg: "That would be a matter for the board participants to decide, Senator, and I imagine that would be. . . . They would be most concerned about the disposition of that debt and that is why I think it is important that that 80% . . . be included and that the language be kept as it is."

Senators McCaslin, Fuller and Gallagher demanded the previous question.

Senator Bottiger demanded a roll call.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

PARLIAMENTARY INQUIRY

Senator Williams: "Is the maker of the motion going to be allowed to close debate?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Williams, in the event that the previous question is not demanded and sustained. Inasmuch as the demand for the previous question was sustained, Senator Williams, the President cannot grant you permission to close debate."

The President declared the question before the Senate to be adoption of the amendment by Senator Williams.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Patterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Lysen moved adoption of the following amendment:

On page 1, line 20, after "projects" insert ": PROVIDED, Further, That the purchaser of such project or projects shall assume the entire debt on such project or projects"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

There being no objection, on motion of Senator Lysen, an amendment to page 1, line 20 with the proviso that no purchaser can be found for WNP Nos. 4 and 5

the bonds for those plants shall be cancelled, on the desk of the Secretary of the Senate was withdrawn.

Senator Williams moved adoption of the following amendment by Senators Williams, McDermott and Hurley:

On page 1, after line 22, insert the following:

"Sec. 3. Section 43.52.300, chapter 8, Laws of 1965 as last amended by section 4, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.300 are each amended to read as follows:

An operating agency formed under RCW 43.52.360 shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that an operating agency shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility; provided further that legislative approval shall be required to qualify an operating agency, prior to undertaking any action prerequisite to the construction of a thermal power plant with a capacity in excess of seven hundred fifty megawatts. Such approval shall be required for each such project and shall qualify an operating agency to proceed with a project of defined scope, but shall make no representation with respect to the financing, siting, or other facts or conditions pertaining to the project itself. An operating agency shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the operating agency. When any revenue bonds or warrants are outstanding the operating agency shall have the power and shall be required to establish and maintain and collect

rates or charges for electric energy, falling water and other services sold, furnished or supplied by the operating agency which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the operating agency is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the operating agency and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the operating agency.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the operating agency may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the operating agency shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the operating agency.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper."

POINT OF ORDER

Senator Quigg: "Mr. President, I would raise the point of scope and object on this amendment.

"Mr. President, this bill is a bill relating to the sale of plants, not the construction or the siting or the authorization for new ones and the amendment speaks to the matter of legislative approval to new construction and it therefore would expand the bill beyond the scope and object."

Debate ensued.

Senator Fleming moved that Substitute Senate Bill No. 4315 be held for further consideration on April 2, 1981.

There being no objection, the Point of Order raised by Senator Quigg was withdrawn.

MOTION

Senator Clarke moved the amendment by Senators Williams, McDermott and Hurley be laid upon the table.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Clarke that the amendment by Senators Williams, McDermott and Hurley be laid upon the table.

ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Senator Charnley moved adoption of the following amendment by Senators Charnley and Williams:

On page 1, after line 20, insert the following:

"Sec. 3. Section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; provided, however, that at least once each year a public rate hearing shall be held by each municipal corporation, cooperative and mutual in such project, to receive testimony and advise ratepayers and utility management of the effect of the project upon the electric rates of the utility and upon the ability of the utility to finance other projects; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

Each municipal corporation, cooperative and mutual participating with a joint operating agency in a project or projects subject to certification under chapter 80.50

is required to inform its ratepayers as to the rate impacts of its participation in any such project or projects. At least semiannually, any such operating agency shall prepare an analysis of the contribution of the projects' financing to projected rate increases required by each participating public utility. Each participating municipal corporation, cooperative and mutual shall include a notice of that analysis in a regular billing statement to its customers at least semiannually; provided, however, that for any public utility which bills less than semiannually, such notice may be mailed under separate cover. The form of such notice shall be substantially as follows:

NOTICE OF PROJECTED RATE INCREASE

(Name of municipal corporation, cooperative or mutual), an energy monopoly established under chapter (RCW citation applicable to utility publishing notice) RCW, is participating in (name of operating agency) project(s) (name of projects).

(Name of municipal corporation, cooperative or mutual)'s share of the obligation is \$(dollar amount of share). This obligation will be repaid through rates charged for electric power.

Your electric rates are expected to be affected as follows:

YOUR PRESENT RATE	YOUR PROJECTED RATE INCLUDING ALL COSTS OF THIS PROJECT (THESE PROJECTS)*
\$(current electric charge for customer class in question, in cents/kwh)	\$(projected ultimate rate in current dollars for customer necessary to pay project(s) in cents/kwh)
YOUR ELECTRIC BILL FOR THIS (BILLING PERIOD)	YOUR ELECTRIC BILL FOR THIS (BILLING PERIOD), IF YOU PAID THE PROJECTED RATE NOW AND USED THE SAME AMOUNT OF ELECTRICITY*
\$(amount of billing for statement with which the notice is enclosed)	\$(amount of billing in current dollars for electricity used in period covered by statement with which the notice is enclosed, valued at the projected rate)

*These projected increases are in real dollars, and do not account for inflation.

NEW SECTION. Sec. 5. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Clarke moved the amendment by Senators Charnley and Williams be laid upon the table.

Senator Charnley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the amendment by Senators Charnley and Williams be laid upon the table.

ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

PERSONAL PRIVILEGE

Senator Lysen: "I cannot believe what is happening here. I think . . ."

President Cherberg: "Senator Clarke."

Senator Clarke: "Just that Senator Lysen bear in mind the fact that personal privilege cannot relate to any matter presently before the body, but must relate to something that is peculiarly applicable to the individual Senator speaking on the point."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken, Senator. It will have to be something strictly personal to you."

PERSONAL PRIVILEGE

Senator Lysen: "Well, I guess I would think that it is. I am the member of this body that precipitated and caused the WPPSS inquiry to take place. And the things we have been voting here have bipartisan support and I know that there are members on the other side of the aisle who supported both these amendments that have just been laid on the table, and we are getting into a partisan row here and it is beneath the dignity of this body and members feel trapped in their each and respective party."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Lysen, the President believes that you are not talking on a point of personal privilege. You will have to confine your remarks to something personal strictly to you."

Senator Lysen: "Well, the rates, my rates, my constituents' rates are going to go up."

President Cherberg: "You cannot discuss the pending question, Senator."

Senator Lysen: "They are not pending. . ."

President Cherberg: "There is, the bill is pending."

Senator Lysen: "Thank you."

PARLIAMENTARY INQUIRY

Senator Clarke: ". . . a matter of parliamentary inquiry. Pursuant to rule 69, when all amendments have been concluded upon a bill and no motion is made to advance, the last paragraph states 'When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.'

"So in the absence of a motion, the bill automatically advances to third reading and is referred to the committee on rules for the purpose of placing on the third reading calendar."

REPLY BY THE PRESIDENT

President Cherberg: "Your remarks are true, Senator; passed to third reading which means it is referred to the rules committee."

Substitute Senate Bill No. 4315 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4360, by Senator Hayner:
Relating to nonhigh school districts.

MOTION

On motion of Senator Kiskaddon, Substitute Senate Bill No. 4360 was substituted for Senate Bill No. 4360, and the substitute bill was placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, someone has passed out on our desk, a letter signed by a Jerry White from a private firm, there is no name of any member of the Senate on it; it is a clear violation, I do not know who authorized it; it would never have occurred while this side of the aisle was in control, and I would request that the Senate pages be instructed to pick it up and destroy it."

President Cherberg: "If there is no objection, the pages will pick up the unauthorized letter. Senator Haley."

REMARKS BY SENATOR HALEY

Senator Haley: "Mr. President, this piece of literature should not have been passed out without reference to myself on it, and I am apologizing for this oversight."

President Cherberg: "Under those circumstances, the pages will not pick up the letter."

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, there is a rule that prohibits this; otherwise we can be inundated by any lobbyist just bringing down more and more stuff on our desk. The rule says it must bear the signature of the member of the Senate in order to be authorized to be passed out."

Senator Hayner: "You are absolutely right, but you have never made a mistake in your life, Senator Bottiger?"

Senator Bottiger: "Oh, lots of them, and I have had them called to my attention."

Substitute Senate Bill No. 4360 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4201, by Senator Clarke:

Regulating the valuation of insurance and nonforfeiture of life insurance.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 4201 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Clarke, I am not too familiar with this but I notice that it says (sic) 'Interest rate assumptions for policies issued prior to the effective date of the act, remain in effect.' That means that deposits previously made on life policies will stay at a low rate, is that right? And then 'policies issued after the effective date of the act will have assumptions that they are earning at a current rate of interest,' is that correct?"

Senator Clarke: "Well, my understanding is that the premiums for the policies presently in effect, were based upon the assumption that the investment income would receive interest at the old rate. Those rates having been set in the policies are, in effect, contractually fixed. What this does is to provide that policies that are issued subsequent to the effective date of this act, may take into contemplation the fact that the interest rates are substantially higher and therefore, based upon the fact that the insurance companies will be receiving more money from investment income, they can then offer the policies at a lower rate to the policyholder.

"But . . . would relate to policies that are issued in the future."

Senator Ridder: "Assuming that I have a paid-up life policy, that I assume was part of the investment on which that income is accruing, will I receive any increased benefit, if I am receiving, say, a 5% annual rate, will that be increased in any way?"

Senator Clarke: "It is my impression that this would not apply to policies presently in existence. Now I confess that I am not technically conversant with all the provisions of this bill, but the main thrust of the bill is to permit the companies, in issuing new policies, to issue them on the basis of the fact that the interest earnings will be substantially greater than the tables presently in effect. And it is the tables presently in effect which govern the amount of surplus and capital that must relate to the amount of, number of policies written.

"And in response to Senator Wojahn's apprehension, this is a national insurance commissioners' approved model-type act and I can assure her that adequate provisions are in the act to give the commissioner supervisory powers to see to it that there is no invasion of the solvency. If that were not the case, it certainly would never have been made a part of the national association of insurance commissioners' recommended bill."

Senator Ridder: "Thank you, if I might, on behalf of Senator Wojahn, ask, will that budget presume that there will be additional staff to the insurance commissioner's office to deal with additional filings?"

Senator Clarke: "It is my understanding that the insurance commissioner is requesting an additional amount and I think, with all due respect, that since these filings and this bill will be, presumably, adopted in most of the states throughout the country, that the state of Washington will not be necessary for this commissioner to make individual evaluations in each instance, because the same evaluations will be . . . by the commissioners of other states.

"So while there will be some additional requirements, in reality, I think they will be rather minimal because the new filings, when one company makes them, it will be similar to the same filings that substantially all of the companies will be making.

"So while undoubtedly there will be a substantial additional number of filings, those filings, I think, will be sufficiently similar so that having evaluated the first filing, for instance, the commissioner, on subsequent filings will merely have to look and see in what way, if any, they differ from a filing that he has already approved.

"So I think, it is my own personal opinion, that the additional workload will be rather minimal."

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, you are right, this is a long bill and it is hard to digest in a few minutes; but could you explain the variable rate policy; I understand term insurance and you go for a ten-year term and for the next ten-year term or whatever, you go up to higher rates. What are the variable rate policies that they are speaking of here now?"

Senator Clarke: "Senator, I am not technically conversant in detail, but my understanding is that a variable rate means that the premium may be increased or decreased, dependent upon the amount of investment income that the company may make from its investments; in other words, if, at the present time, there is a very high interest rate on the premium funds that are being put in and invested, then the company may recognize that by a lower rate, but in the event that the investment income goes down, the rate may then be varied in accordance with the actual experience of the investment income.

"Now that is my impression and I may be wrong, but that is my understanding of what a variable rate is."

Senator Rasmussen: "Thank you, Senator Clarke. Well, Mr. President and members of the Senate, I kind of have reservations; I can recall in 1974 there were just a lot of the insurance companies had to dump a lot of their stock because they just did not have any reserves left, cash reserves.

"And in that case, they would immediately up the rate on the policy, Senator Clarke, as I understand your explanation. And this next downturn that we are going to have, could well be the same thing, that they would up the rates on a life insurance policy beyond the ability of a person to carry it. And they could do that under this variable rate, as I understand it."

Senator Clarke: "Further answering your inquiry, Senator, I think what you have said is substantially correct as to the variable rate policies. However, this is permissive only, so that if you want to buy a variable rate policy and in effect, gamble with the company upon how much it makes upon the premiums that you pay and they have invested, you can buy such a policy. But you can also buy a fixed rate policy, a fixed rate premium which does not vary; this is merely an additional permissive, competitive type of policy which may be offered, and I think it is really in the benefit of the consumer to have that choice."

POINT OF INQUIRY

Senator Woody: "Senator Clarke, on page 36 it says 'Second, the act speaks to new concept of life insurance plans' and it speaks then to the variable rate policies. Now if your premiums go up and down, are you saying then that the cash-out or the total end value of your policy goes up and down, depending on how much you have put in?"

Senator Clarke: "Are you talking about the cash surrender value of your policy? I cannot answer that question with any knowledgeability, Senator, I am sorry."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4201, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Zimmerman—34.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Goltz, Gould, McDermott, Moore, Peterson, Rasmussen, Ridder, Williams, Wilson, Wojahn, Woody—15.

SENATE BILL NO. 4201, 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.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Shipoch served notice that he would, on the next working day, move for reconsideration of the vote by which Senate Bill No. 4201 passed the Senate.

SECOND READING

SENATE BILL NO. 3602, by Senators Vognild and Newhouse:

Establishing industrial insurance benefit payment requirements for self-insurers.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 3602 was substituted for Senate Bill No. 3602, and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Talmadge:

On page 1, line 28, after "the", strike "insurance commissioner" and insert "department"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, it is my understanding that when there is a death covered by industrial insurance, the department sets 'x' number of dollars aside, based on the actuarial life presumption of the survivors. Where does he get that advice from, the insurance commissioner, or does he have his own actuary; how do they determine that?"

Senator Newhouse: "Presently it is developed within the labor and industries office, and they are using obsolete factor of 5½% interest. I would like to point out that the department agreed with the development of this bill and supported us on it, the department of labor and industries."

The motion by Senator McDermott failed and the amendment was not adopted.

There being no objection, on motion of Senator McDermott, three amendments to page 2, line 3 and line 7 on the desk of the Secretary of the Senate were withdrawn.

Senator Talmadge moved adoption of the following amendment:

On page 2, following line 30, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 51.14 RCW a new section to read as follows: All certifications for self-insurance shall require the self-insurer to self-administer workers' compensation. No service agencies shall be authorized."

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Bottiger, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Williams, Wilson, Wojahn—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Woody, Zimmerman—30.

Substitute Senate Bill No. 3602 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4129, by Senator Haley:

Establishing commercial zones and terminal areas for trucks.

REPORT OF STANDING COMMITTEE

March 26, 1981.

SENATE BILL NO. 4129, establishing commercial zones and terminal areas for trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 32, after "authority" insert ", except as exempted by RCW 81.80.040"

Signed by: Senators von Reichbauer, Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Metcalf, Vognild.

The bill was read the second time by sections.

On motion of Senator Haley, the committee amendment was adopted.

Senator Jones moved adoption of the following amendment by Senators Jones and Haley:

On page 3, line 24, after "zone" insert "at rates prescribed by the commission"

POINT OF INQUIRY

Senator Bottiger: "Senator Jones, the existing law says that the trucker must have an order from the commission authorizing services between points and it is, in a sense, a kind of a monopolistic right to do business between those points. There can be three or four trucking industries that have that competitive right and the bill, as originally written, deletes that and also deletes the price element.

"Now as we are, if we adopt your amendment, we are going to have anybody service the areas, but they have to charge the same rate. Is that your understanding of your amendment as it compares to the rest of the bill?"

Senator Haley: "Perhaps I could answer Senator Bottiger's question . . . this portion of the bill would have taken away only the rate-setting ability of the UTC, that is all, nothing more. But Senator Jones' amendment then deletes that portion of the bill so that the UTC will continue their ratesetting ability and they will also continue as before, their supervision and control of those truckers allowed to operate within a commercial zone. Does that answer your question?"

Senator Bottiger: "If that is your intent, Senator, then may I speak against the amendment, Mr. President."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Haley, I am not familiar with the trucking regulations but I have been asked by someone who lives up in Skagit county who hauls hay, say, down to Senator Bauer's district, Vancouver. That is a paying load but he is not allowed to haul back. Because I am not familiar with the total of the bill, I am wondering if this amendment changes his status in any way?"

Senator Haley: "No, it would not, it would not change it at all."

Senator Ridder: "He will still have to deadhead back?"

Senator Haley: "He will still have to be totally under the control of the UTC. This affects only what we call 'commercial zones' and 'terminal areas.' It does not affect anything else."

Senator Ridder: "Vancouver or that area, or what if he hauls, say, to Seattle area over to Bellevue for those horses of Senator Jones'."

Senator Haley: "This bill, if Senator Jones' amendment is accepted, does nothing except make the commercial zones, the commercial zones of the state identical to the commercial zones that the Feds have laid down through the ICC. And the commercial zones of the Feds are much larger than the state zones; but anyone operating between one commercial zone and another one like the case you have related, is still totally under the control of the UTC in rates and so forth, nothing has changed for them."

Senator Ridder: "Okay, the amendment does not do that; I will ask the same question again on the bill itself, unless you can tell me that now."

Senator Haley: "I will give you the same answer"

The motion by Senator Jones failed and the amendment was not adopted.

There being no objection, on motion of Senator Jones, an amendment to page 3, line 35 on the desk of the Secretary of the Senate was withdrawn.

Senator Fleming moved adoption of the following amendment:

On page 4, following line 32, add a section as follows:

"NEW SECTION. Sec. 6. This act shall take effect on July 1, 1983."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Fleming, you work for the telephone company. Can you tell me about deregulation in that line?"

Senator Fleming: "Well, the telephone company is a regulated industry at this point in time, but the Congress has indicated that they will have to deregulate, and just like anything else, once that deregulation takes place, your telephone bills will probably quadruple over the next two or three years if that takes place, and they will be blaming, yelling at the telephone company, and it is not the telephone company that did that, it was the Congress that suggested that happen."

"And that will happen there and it has happened in almost every area where there has been deregulation, the consumer has had to pay more. They have always charged the top dollar."

POINT OF INQUIRY

Senator Ridder: "Senator Jones, have you had occasion to book any airline flights in which he has to determine the time at which he has to go. I would suggest to you that the specials are very nice but they happen to be special for the airlines, and if you can make it between April first and May fifteenth, you may be lucky. If you have to go on the sixteenth, you can add another hundred dollars or so."

Senator Jones: "Was that a question? I have been to St. Croix and that was in July at a rate that was well under four hundred dollars each, and that was in July, and a heavy traffic period. So I think it works for the benefit of all. Deregulation, and I might even respond to Senator Fleming's remarks, you want to get into the competitive nature of the telephone industry, we are going to be divided into a competitive and non-competitive arena, and I will guarantee you that in the long run, the consumer will benefit."

Senator Ridder: "If I may just finish my comments or colloquy with Senator Jones; Senator, you may have gone to St. Croix in July for just under four hundred; I went in May and it was three twenty-nine."

Further debate ensued.

Senator Deccio demanded the previous question. The demand was not sustained.

The motion by Senator Fleming failed and the amendment was not adopted.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 4129 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Mr. President, I am not sure which of these transportation authorities I should check with. Senator Hemstad was so emphatic maybe I will start with him, if you would yield, Senator? No? I want information, so Senator Peterson, would you mind?"

"I spoke earlier about an example of someone in, say, Skagit county, who is hauling hay somewhere south, say to Senator Jones' coral. He is required to deadhead back to Skagit county. Will this bill do anything for that?"

Senator Peterson: "I think Senator Haley answered your question. I do not think it affects it either way, Senator Ridder; it is a separate matter under ITC and WCT . . . this bill to my knowledge does not have any effect on that particular . . ."

Senator Ridder: "This kind of deregulation would not affect that?"

Senator Peterson: "No."

Senator Ridder: "Okay. I heard Senator Haley's answer but I wanted to remove it from the context of the amendment and so asked."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4129 and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones,

Kiskaddon, Lee, McCaslin, Metcalf, Pullen, Quigg, Scott, Williams, Zimmerman—24.

Voting nay: Senators Bottiger, Deccio, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody—25.

Senate Bill No. 4129, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 3704, by Senator Rasmussen:
Relating to state government.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3704 was substituted for Senate Bill No. 3704 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the following amendments by Senators Hemstad, Talmadge, Jones, Fleming and Shinpoch were adopted:

On page 1, line 20 after the period, strike the material through "complaint, 1" on line 21.

On page 2, line 12 after "made" strike the material through "complaint" on line 13.

On page 2, line 32 after the period, strike the remainder of the new material through "complaint." on line 34.

Senator Hemstad moved an amendment by Senators Hemstad, Talmadge, Jones, Fleming and Shinpoch on the desk of the Secretary of the Senate be withdrawn.

Senator Talmadge objected.

Senator Talmadge moved adoption of the following amendment by Senators Hemstad, Talmadge, Jones, Fleming and Shinpoch:

On page 6, line 7 strike subsection 1 and renumber the repealer accordingly.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

On motion of Senator Talmadge, the following amendment by Senators Shinpoch and Talmadge was adopted:

On page 6, after line 10, insert:

"**NEW SECTION.** Sec. 6. Sections 2, 3 and 4 of this 1981 act shall take effect upon the enactment of House Bill 101, 1981 Regular Session."

Senator Hemstad moved the rules be suspended, Engrossed Substitute Senate Bill No. 3704 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Bottiger demanded a roll call.

There being no objection, on motion of Senator Hemstad, the motion to advance was withdrawn.

Engrossed Substitute Senate Bill No. 3704 was passed to the Committee on Rules for third reading.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Sellar served notice that he would, on the next working day, move for reconsideration of the failure of Senate Bill No. 4129 which failed to pass the Senate today.

SECOND READING

SENATE BILL NO. 3640, by Senators Hayner, Rasmussen, Newhouse, Jones, Talley and Benitz (by Attorney General request):

Granting the Attorney General authority to investigate and prosecute crimes of public corruption.

MOTIONS

On motion of Senator Hayner, Substitute Senate Bill No. 3640 was substituted for Senate Bill No. 3640 and the substitute bill was placed on second reading and read the second time in full.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 1, line 22, after the semicolon insert "or"

On page 1, line 23, after the semicolon strike "or" and insert "and"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Bottiger moved adoption of the following amendment:

On page 2, after line 18, insert:

"Sec. 5. Section 7, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.862 are each amended to read as follows:

The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington state patrol ((is)) and the attorney general are engaged;

(3) Receive, consider and take appropriate action with respect to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort including the role of the attorney general in meeting state and national organized crime intelligence needs."

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

On motion of Senator Bottiger, an amendment striking everything after the enacting clause on the desk of the Secretary of the Senate was withdrawn.

POINT OF INQUIRY

Senator Pullen: "Senator Clarke, lines 26 and 27 of the bill say 'Such request or concurrence shall be communicated in writing to the attorney general.' As I understand present law, the attorney general is supposed to keep similar records for a minimum period of seven years. Is that correct?"

Senator Clarke: It is my recollection that he so testified at the hearing before the judiciary committee."

Senator Pullen: "Then it would be the intent, under the bill, that the request or the concurrence which would be communicated in writing, would be retained for that period, then?"

Senator Clarke: "That is my understanding according to what the attorney general said at the hearing."

MOTION

On motion of Senator Pullen, an amendment to page 1, line 27 on the desk of the Secretary of the Senate was withdrawn.

Substitute Senate Bill No. 3640 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4026, by Senator Bluechel:

Redefining personal service for the purposes of personal service contracts with state agencies.

The bill was read the second time by sections.

On motion of Senator Bluechel, the following amendment by Senators Bluechel and Shinpoch was adopted:

On page 1, line 13, strike all the language beginning with "to" down to and including "recommendation" on line 14 and insert "but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of the physical plant, security, data entry, key punch services, and graphic design."

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 4026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4026, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 4026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3565, by Senators Quigg, Fleming and Peterson:
Modifying requirements for harbor area leases.

REPORT OF STANDING COMMITTEE

March 25, 1981.

SENATE BILL NO. 3565, modifying requirements for harbor area leases (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 3, after the period insert:

"NEW SECTION. Sec. 3. Upon the effective date of this 1981 act, the department of natural resources shall manage fresh-water harbor areas."

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild.

The bill was read the second time by sections.

On motion of Senator Gallagher, the committee amendment was adopted.

On motion of Senator Gallagher, the following amendment by Senators Gallagher and Goltz was adopted:

On page 3, after line 3, insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 79.01 RCW a new section to read as follows:

As used in this chapter, "state aquatic lands and harbor areas" means:

- (1) First class tidelands, as defined in RCW 79.01.020;
- (2) Second class tidelands, as defined in RCW 79.01.024;
- (3) First class shorelands, as defined in RCW 79.01.028;
- (4) Second class shorelands, as defined in RCW 79.01.032;
- (5) Beds of navigable waters, as described in chapter 79.16 RCW;
- (6) Publicly platted places, as described in RCW 79.01.432, including waterways;
- (7) Vacated oyster reserves, as described in chapter 79.20 RCW; and
- (8) Harbor areas, as defined in RCW 79.01.012, and freshwater harbor areas.

Sec. 4. Section 130, chapter 255, Laws of 1927 as last amended by section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520 are each amended to read as follows:

~~((Prior to the issuance of a lease, renewal lease, or re-lease of harbor area on tidal waters under the preceding sections of this chapter, and every five years thereafter during the life of all leases written after August 11, 1969, and no less frequently than every five years for all prior leases, the department of natural resources shall determine the true and fair value in money of such harbor area (exclusive of the improvements thereon), which value shall be the value at which the property~~

~~would be taken in payment of a just debt from a solvent debtor. All harbor area leases will stipulate the percentage rate of said values that will be paid as the annual rent during the period until the next reappraisal of the value of the harbor area as established herein. PROVIDED, That the))~~ (1) State aquatic lands and harbor areas shall be leased at fair market rental except as provided in subsection (5) of this section. Fair market rental shall be based upon the fair market value using accepted appraisal methods developed by the department and promulgated as rules. In the case of harbor areas, the fair market value shall be determined exclusive of the improvements thereon. After arriving at fair market value, the fair market rental shall be determined by:

(a) Comparing the market rental rates for comparable private aquatic properties in the same local vicinity as the subject state aquatic property, except that, if comparable private aquatic properties are not available, comparable public aquatic properties may be used in the same local vicinity. If the nature or use of the property is unique in Washington, not having comparable private or public aquatic properties in the same local vicinity as the subject state aquatic property, a comparison may be made with comparable private or public aquatic properties at other locations in Washington or at the regional or national level. The department shall designate such nature or uses in rules.

(b) If comparisons are not available under subsection (1)(a) of this section, fair market rental shall be derived by multiplying the fair market value by the use rate percentage, as approved by the commissioner of public lands.

(2) The use rate percentage shall be based upon:

(a) Market rental rates being applied to comparable private aquatic properties in the same local vicinity as the subject state aquatic property, except that, if comparable private aquatic properties are not available, comparable public properties may be used in the same local vicinity.

(b) If comparisons are not available under subsection (2)(a) of this section, the use rate percentage shall be determined by using the average rate charged by lending institutions in the area for long-term, or a term equivalent to the length of the lease, mortgages for comparable properties.

(3) Unless specified otherwise in leases in existence as of the effective date of this 1981 act, all lease rents shall be adjusted every year of the lease term based on the implicit price deflator for the gross national product, or its equivalent designation if there is a change in the name of the implicit price deflator for the gross national product, for the twelve months in that year of the lease prior to the month in which the lease was entered into. Leased property shall be reappraised at least every four years to arrive at a new fair market value.

(4) If any adjusted rent exceeds an increase of fifty percent over the previous rent, the annual rent may be stair-stepped, at the discretion of the lessee, at the rate of thirty percent of the rental increase for the first year, forty-five percent of the rental increase for the second year, sixty-seven percent of the rental increase for the third year, and one hundred percent of the rental increase for the fourth year.

(5) Harbor areas and any improvements thereon used for the convenience of navigation and commerce and immediately adjacent to and abutting any property owned by any port district, or any property leased, controlled, or managed under an agreement with another governmental entity by a port district located within a county containing a population of less than two hundred ten thousand persons, shall be leased to the port district at no rent, but a reasonable administrative fee shall be charged to reimburse the department for administering the lease without appraising the property and determining fair market value. Harbor areas shall be leased at fair market rental to all other lessees.

(6) Notice of the department's determination of fair market rental value shall be sent to the applicant or lessee by certified mail. Any applicant(;) or lessee of

state aquatic lands or harbor areas, being dissatisfied with the ((valuation)) rental as fixed by the department of natural resources shall have the right of appeal from the findings of the department under chapter 84.48 RCW to ((a valuation)) the county board ((to be composed of the county commissioners, the county treasurer and the county assessor)) of equalization of the county in which the state aquatic lands or harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within thirty days after receipt of notice of the department of natural resources' valuation, be ((personally)) served by certified mail upon each member of the county board of ((county commissioners and upon the county treasurer, the county assessor;)) equalization and the administrator of the department of natural resources(;; or such copy may be left at the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of said notice on the chairman of the board of county commissioners, said)). The chairman of the county board of equalization shall fix a time and place for a meeting of ((said valuation)) the board and shall notify each of the ((officers)) members of said board thereof(;; which said time shall be not less than five nor more than ten days from the date of giving said notice); like notice of the time and place fixed for said hearing shall also be given the applicant, or lessee, and the department of natural resources. ((Except as otherwise provided in chapter 79.01 RCW, such hearing will be conducted in compliance with chapter 34.04 RCW. At the time and place fixed for said meeting, the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting no question shall be made as to any irregularity of the giving of the notices required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties.)) Any ruling of the county board of equalization may be appealed by the lease applicant, lessee, or the department to the state board of tax appeals pursuant to chapter 82.03 RCW. The decision of the board of ((the question of valuation shall be final and conclusive on all parties)) tax appeals may be appealed to the superior court and the state supreme court.

(7) Any applicant for a lease or lessee of state aquatic lands or harbor areas may appeal any terms and conditions of the lease, including, but not exclusively, the lease rent, to the department of natural resources pursuant to chapter 34.04 RCW. The department shall notify in writing any applicant for a lease or lessee that the applicant or lessee may appeal the terms and conditions of the lease under RCW 79.01.500 and subsection (6) of this section.

(8) Notwithstanding any appeal of the valuation, the lessee shall pay the rental as proposed by the department on the due dates required if no decision of the board has been made. If additional payments or refunds are required as a result of the board's decision, such moneys shall be due and payable within thirty days after the decision.

NEW SECTION. Sec. 5. There is added to chapter 79.01 RCW a new section to read as follows:

(1) Except for those harbor areas leased under RCW 79.01.520(5), the department shall provide for a reduction in rent for any portions of state aquatic lands and harbor areas that are leased for public use or open water access.

(2) "Public use" means any area within the leased property designed and specifically set aside solely for use by the general public on a first-come, first-serve and continual basis; which may not be leased to private persons by the lessee for any more than a twenty-four hour period; and is not operated for the purpose of earning

a profit, or results in a profit, from the majority of the public that uses the public use area or, in fact, the area earns a profit.

(3) (a) "Open water access" means any area within the lease property that is continually covered by water; open and accessible to the general public for the general use of the public on a first-come, first-serve basis not less than fifty percent of the time; available for general use of the public at such times and under such conditions where the area can reasonably be expected to be used by the general public; and is not operated for the purpose of earning a profit, or results in a profit, from the majority of the public that uses the open water access area or, in fact, the area earns a profit.

(b) Notwithstanding the requirements of (a) of this subsection, open water access shall also include any area covered by water, not operated for the purpose of earning a profit or, in fact, earns a profit, that provides a reasonable direct water access, on a continual basis, to that area of the premises leased for public use or to an area leased for public use and an area leased for other than public use.

(4) Any lease of state aquatic lands and harbor areas providing for public use or open water access shall make provisions for notifying the general public on or about the leased property designated public use or open water access, of the availability of the area for such use.

(5) The reduction in rent for any portion of the leased area placed in public use shall be determined by using the following method:

(a) Calculating the average rental rate per square foot for the entire leased area;

(b) Multiplying the average rental rate per square foot by the number of square feet placed in public use; and

(c) Deducting the dollar value arrived at in (b) of this subsection from the total rent for the entire leased area.

(6) The reduction in rent for any portion of the leased area placed in open water access shall be determined by using the following method:

(a) Calculating the average rental rate per square foot for the entire leased area;

(b) Multiplying the average rental rate per square foot by the number of square feet placed in open water access;

(c) Reducing the dollar value arrived at in (b) of this subsection by fifty percent; and

(d) Deducting the dollar value arrived at in (c) of this subsection from the total rent for the entire leased area.

Sec. 6. Section 105, chapter 255, Laws of 1927 and RCW 79.01.420 are each amended to read as follows:

It shall be the duty of the board of (~~state land commissioners~~) natural resources to locate and establish harbor lines and determine harbor areas to meet the needs of commerce and navigation, as required by section 1, of Article XV of the state Constitution, where such harbor lines have not heretofore been located and established.

Sec. 7. Section 1, chapter 168, Laws of 1913 and RCW 79.16.190 are each amended to read as follows:

(1) Waterways established on public lands under RCW 79.01.428 are to be administered by the state through the department of natural resources, except that in the case of the Duwamish waterway as shown on the map dated August 16, 1911, as may be modified, prepared for commercial waterway district no. 1 and filed with the commissioners of King county in accordance with chapter 23, Laws of 1911, and in the case of waterway areas immediately adjacent to and abutting on real property owned by any port district, the duties of administration shall be exercised by the port commission of that district.

(2) Whenever, in any waterways created under the laws of the state of Washington, the government of the United States shall have established pierhead lines in said waterway at any distance from the boundaries thereof established by the state, no structure shall be allowed in the strip of waterway between the boundary and the nearest pierhead line except by the consent of the ~~((state land commissioner))~~ department of natural resources or a port district as provided in subsection (1) of this section and upon plans approved and terms and conditions fixed by ~~((him))~~ it, and then only for such period of use as shall be designated by ~~((him, but any permit shall not extend for a longer period than thirty years. PROVIDED, HOWEVER, That the owner of land abutting upon either side of any such waterway shall have the right, if application be made therefor within a period of ninety days following the date when this section shall go into effect, to obtain such a permit for a thirty year term, and every permit obtained by virtue of the exercise of such right shall provide that the area described therein or such reasonable portion thereof as shall be designated by the state land commissioner, having in view the requirements of the business proposed to be carried on thereon, shall be improved upon plans approved by the state land commissioner, the construction of such improvement to be commenced within such time as may be fixed in each case by the state land commissioner, such time to be in no case less than two years from the date of such permit, to be completed within such reasonable time thereafter as the state land commissioner shall fix in each case, any of which times so fixed may be thereafter extended by him, the character of which improvements may be changed either before or after completion with the consent of the state land commissioner, but in all cases where the abutting owner or one claiming under him had prior to February 22, 1913, built upon such area, his improvements shall be recognized and accepted as a sufficient compliance with the requirements of this section so far as concerns the area covered thereby, and as to uncovered area such improvements shall be given the same consideration as in other cases, and every permit obtained by virtue of the exercise of such right shall further provide that the annual rental to be paid shall be a sum equal to two percent of the assessed valuation for the year preceding the date of such permit of an equal area of adjoining or abutting shore or tide lands, exclusive of improvements thereon, and where the adjoining or abutting strip of shore or tide lands is of less width than the harbor area, a value proportional to said width. PROVIDED FURTHER, HOWEVER, That the foregoing provision fixing the rate of rental shall not extend beyond December 31, 1928; but all rentals after that date shall be subject to be controlled and fixed in the manner and by the public authority or authorities then provided by law for the same. PROVIDED FURTHER, That it shall not be necessary for any public corporation proposing to make use of any such strip of waterway to acquire by condemnation or otherwise the right hereby granted relating thereto, but nothing herein contained shall be construed to deprive any party to any such condemnation proceeding of any damages to which he would have been entitled if this section had not been passed. The state land commissioner shall require of the holder of every permit under this section a bond with sufficient surety, to be approved by said commissioner, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by said commissioner, conditioned for the payment of the rental reserved in the permit at or prior to the time of payment therein specified, during the term of such permit or during such part thereof as said commissioner in his discretion shall require to be covered by such bond; and in case only a part of the term of such permit shall be covered thereby, said commissioner shall require another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the permit, or such part thereof as said commissioner in his discretion shall require to be covered thereby. The said commissioner shall have power at any~~

~~time to summon sureties upon any bond and to examine into the sufficiency thereof, and if he shall find the same to be insufficient he shall require the holder of the permit to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the permit, and the said commissioner shall have power upon sixty days' notice to cancel any permit for a substantial breach by the holder thereof of any of the conditions thereof, or for lack of a bond therewith as herein required. In any case where such waterway shall be within the territorial limits of a port district organized under the laws of the state of Washington, the duties herein assigned to the state land commissioner shall be exercised by the port commission of such port district, and in every case the rentals received shall be disposed of as follows: Seventy-five percent shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated, for the use of said port district and twenty-five percent, into the state treasury, except that in cases where the port district itself shall have constructed or shall own structures or improvements situate upon such strip of waterway the entire rentals for such improved strip of waterway shall be paid directly to such county treasurer for the use of such port district)) it. Such area may be leased as provided in this chapter for the lease of harbor areas by the department of natural resources or a port district as provided in subsection (1) of this section.~~

(3) If such use is found to be consistent with the public interest, the department of natural resources or a port district as provided in subsection (1) of this section may authorize temporary occupation under renewable one-year use permits of portions of state waterways where no pierhead line exists by use permit and may enter into agreements with units of local government providing for local supervision.

(4) Nothing herein contained shall confer upon, create or recognize in any abutting owner any right or privilege in or to any strip of waterway abutting any street and between prolongations of the lines of such street, but the control of and the right to use such strip is hereby reserved to the state of Washington(, except that in cases situate in a port district such control and use shall vest in such port district)) except that in cases situated in the Duwamish waterway and those waterway areas immediately adjacent to and abutting on real property owned by any port district, such control and use shall vest in the affected port district.

Sec. 8. Section 107, chapter 255, Laws of 1927 and RCW 79.01.428 are each amended to read as follows:

It shall be the duty of the ((commissioner of public lands)) department of natural resources to, simultaneously with the establishment of harbor lines and the determination of harbor areas in front of any city or town, or as soon thereafter as practicable, survey and plat all tide and shore lands of the first class not heretofore platted, and in platting the same to lay out streets which shall thereby be dedicated to public use, subject to the control of the cities or towns in which they are situated, and establish one or more public waterways not less than fifty nor more than one thousand feet wide, beginning at the outer harbor line and extending inland across the tidelands belonging to the state, which waterways shall include within their boundaries, as near as practicable, all navigable streams running through such tidelands, and shall be located at such other places as in the judgment of the ((commissioner of public lands)) department of natural resources may be necessary for the present and future convenience of commerce, and such waterways heretofore established under former laws or hereafter established shall be reserved from sale or lease as public ways for watercraft until vacated as provided in this chapter((, and it shall be the duty of the commissioner of public lands to appraise the value of such platted tide and shore lands and enter such appraisal in the records of his office)).

Sec. 9. Section 118, chapter 255, Laws of 1927 as amended by section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472 are each amended to read as follows:

Whenever any waterway established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the ~~((commissioner of public lands of the state of Washington whenever he shall be requested so to do by ordinance or resolution of the city council of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the state of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district;))~~ department of natural resources and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: PROVIDED, HOWEVER, That if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, ~~((a copy of such resolution or ordinance, together with))~~ a copy of said order of the ~~((commissioner of public lands))~~ department certified to by ~~((him))~~ it, shall be submitted to the secretary of the army and chief of engineers of the United States for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated. However, if such waterway lies within a port district organized under the laws of this state, the department shall, before such vacation, notify the port commission of that port district, which shall make such recommendations to the department as it may deem proper within sixty days of the notification.

Upon such vacation occurring, ~~((in either of the manners aforesaid;))~~ the ~~((commissioner of public lands))~~ department shall notify the city within, or in front of, which ~~(;)~~ such waterway is located, and the city shall have the right to extend across the portions so vacated any existing streets, or to select therefrom such portions thereof as the city may desire for street purposes, in no case to exceed one hundred fifty feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated and upon selection, the department shall reserve and provide such area for city street use.

~~((Should such city fail to make such selection within such time, or within such time make such selection;))~~ The title ~~((of the remaining portions))~~ of such waterway so vacated shall vest in the state ~~(, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation))~~. However, if a vacated waterway area is immediately adjacent to and abuts on real property owned by a port district, title to that waterway area shall vest in the port district.

NEW SECTION. Sec. 10. There is added to chapter 79.64 RCW a new section to read as follows:

(1) There shall be a fund in the state treasury known as the harbor improvement fund which shall consist of twenty-five percent of the rents paid, after deduction of costs and expenses allowed by RCW 79.64.040, on existing or future leases of harbor areas, tidelands, and waterways belonging to the state of Washington where the proceeds are not otherwise directed to a particular fund or account. The moneys in the fund shall be expended by the department of natural resources only for harbor or waterfront improvement purposes which contribute to public access or other beneficial improvement to state aquatic lands and harbor areas.

(2) The remaining seventy-five percent of rents paid on existing or future leases of harbor areas, tidelands, and waterways, after deduction of costs and expenses allowed by RCW 79.64.040 or where the proceeds are not otherwise directed to a particular fund or account, shall be deposited in the capitol purchase and development account of the state general fund and shall be subject to appropriation only for purchasing, improving, and managing the east capitol site."

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Goltz, Guess and Jones was adopted:

On page 3, after line 3, insert the following:

"NEW SECTION. Sec. 3. There is added to Chapter 79.01 RCW a new section to read as follows:

When state aquatic lands and harbor areas are used or leased for a dock to be used for personal recreational use by the upland owner, no rent or fee of any nature shall be charged."

On motion of Senator Gallagher the following amendment to the title was adopted:

On page 1, line 2 of the title, after "79.01.504;" insert "amending section 130, chapter 255, Laws of 1927 as last amended by section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; amending section 105, chapter 255, Laws of 1927 and RCW 79.01.420; amending section 1, chapter 168, Laws of 1913 and RCW 79.16.190; amending section 107, chapter 255, Laws of 1927 and RCW 79.01.428; amending section 118, chapter 255, Laws of 1927 as amended by section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472; adding new sections to chapter 79.01 RCW; adding a new section to chapter 79.64 RCW;"

MOTION

Senator Gallagher moved the rules be suspended, Engrossed Substitute Senate Bill No. 3565 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator McDermott objected.

There being no objection, on motion of Senator Gallagher, the motion to advance Engrossed Substitute Senate Bill No. 3565 was withdrawn.

Engrossed Substitute Senate Bill No. 3565 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3105, by Senators Charnley, Zimmerman, Conner, Peterson, McDermott, Guess, Goltz and Gould:

Establishing a natural heritage program.

MOTIONS

On motion of Senator Scott, Second Substitute Senate Bill No. 3105 was substituted for Senate Bill No. 3105 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Charnley, the rules were suspended, Second Substitute Senate Bill No. 3105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3105, and the bill passed the Senate by the following vote: Yeas, 45; nays 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Craswell, Haley, McCaslin, Pullen—4.

SECOND SUBSTITUTE SENATE BILL NO. 3105, 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

At 11:03 p.m., Senator Bottiger moved the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Zimmerman—29.

SECOND READING

SENATE BILL NO. 4078, by Senators Scott, Jones, Hayner and Craswell (by Governor Spellman request):

Establishing a budget stabilization account.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 4078 was substituted for Senate Bill No. 4078 and the substitute bill was placed on second reading and read the second time in full.

Senator Scott moved the rules be suspended, Substitute Senate Bill No. 4078 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Bottiger demanded a roll call.

There being no objection, on motion of Senator Scott, the motion to advance Substitute Senate Bill No. 4078 was withdrawn.

Substitute Senate Bill No. 4078 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4182, by Senator Gould:

Relating to nuclear wastes.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 4182 was substituted for Senate Bill No. 4182 and the substitute bill was placed on second reading and read the second time in full.

Senator Lysen moved adoption of the following amendment:

On page 1, line 18, strike "and the most economical management of low-level radioactive wastes"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, is that true, the statement that Senator Williams just made, that this was passed out and we could not even consider it? What was the use of it going to committee?"

Senator Guess: "Senator, I think you would find in the passage of interstate compacts, that they can originate in different ways. We have participated in a number of interstate compacts here in the state of Washington. We have some twenty-six that have already been approved.

"It is not totally an iron-bound contract that you have to pass the exact language. What happens, though, when we have passed language different from that which has been arrived at by the governors' offices of thirteen western states, working in consort, having had many meetings on it. I went to the meeting in Las Vegas on December 12. The agreement there was that we would work the interstate compacts between the various western states. We have two regional groups, the northwest region and the southwest region.

"We, and Mr. David Stevens who is a very competent expert in the field, was representing Governor Spellman. Governor Brown has somebody on there. Governor of Utah, governor of Idaho, and so forth.

"It will only slow down the process of arriving at an interstate compact if we here on the floor change the wording of the compact.

"And so they have committed this in good faith, they have worked very hard on it and I am very hopeful we will pass it like it is so that the business can be carried out."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

PARLIAMENTARY INQUIRY

Senator Wilson: "Mr. President, my inquiry asks whether Senate Bill 4182 is an amendment, is amending initiative 383, and therefore would require a two-thirds vote, or whether that is not the case?"

POINT OF INFORMATION

President Cherberg: "Senator Wilson, do you have any evidence that this particular measure is amending initiative 383?"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Initiative 383, in new section 4, gives the date of July 1, 1981. By inference, this bill amends that, changes the basic intent of the initiative which was passed by the people. And I think that very clearly, although nowhere specifically does the section of the initiative appear, the effect of it is to amend this without putting the section in the bill so that the effect is that of an amendment directly to the initiative."

REMARKS BY SENATOR GUESS

Senator Guess: "When the 383 passed, it said that it would go into effect unless there was an interstate compact. The interstate compact that we have before us is the vehicle by which the governors of the state decided that the provisions of 383 would be carried out. It is born out of 383, it is not attached in any way by any cord. It is a separate piece that stands on its own feet and it is no different from some twenty-six interstate compacts that we have adopted in this body since early 1947."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, at my request the former staff of the energy committee, one of the former staff, has submitted to your attorney, a memorandum on that question and they handed it to your counsel in the back rather than, I am sorry, directly to you."

REMARKS BY SENATOR WILLIAMS

Senator Williams: "Yes, Mr. President. The initiative that was passed, the essence of it was to not allow nuclear waste to be deposited in this state unless it was from states in which a compact had been reached between this state and those states. However, this particular bill sets up a mechanism for exceptions to that, in other words, allows nuclear waste to come in from states not a party to this compact, so therefore I would suggest that it goes beyond the intent of the initiative and allows, and is, in fact, then, amending the initiative that was passed by the voters."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I would suggest that the question is not properly before us at this time; the compact is not on final passage; we could properly bring the issue through second reading and have it on final passage tomorrow. The question could be studied by you in that time."

REPLY BY THE PRESIDENT

President Cherberg: "In the absence of a copy of initiative 383, the President believes that the suggestion by Senator Newhouse was well put, and believes that it would be in order to at least advance the bill, or read the bill and . . ."

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, may I add a second parliamentary inquiry which you can consider while you are doing that, and I would like to read it."

"Section 4 of initiative 383 provides a July 1, 1981 date for stopping out-of-state waste coming into the state. In-Senate Bill 4182, sections 2 and 3 of article 6, allows a state to become a party to the compact and store waste within the state before it has been ratified by Congress. Section 6 of initiative 383 provides that the compact does not take effect until the Congress has ratified it.' Therefore it is my question, is 4182 amending initiative 383 without reference?"

REPLY BY THE PRESIDENT

President Cherberg: "Your particular inquiry will be studied at the same time as the other question."

Senator Lysen moved adoption of the following amendment:

On page 1, lines 25 and 26, strike "most economical" and insert "sage"

POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, would you yield to a question on this amendment? Maybe it is a lawyer-kind of question, terms of statutory construction. Senator Gould said there is no doubt in her mind that 'safety' would have priority over 'most economical.' I have to admit there is doubt in my mind and under the rules of statutory construction, I guess I would like a legal opinion on that as to what you think."

Senator Bottiger: "Senator Lysen, I would love to help you out but I have, very candidly, the hour is getting late and I am working three bills ahead of this one on amendments I've got and very candidly, I am not able to answer that question. Probably an hour from now I will be more tired and I will be working six bills ahead and after the question"

Senator Lysen: "I am serious about this. Senator Talmadge? Senator Hemstad? Dealing with the finest legal minds in the Senate here. Did you hear the question, Senator?"

Senator Hemstad: "I believe you are asking if the sentence as it stands assures that they will be looking at health and safety. The answer is 'yes.'"

Senator Lysen: "Well, no, the question is 'will health and safety have a priority over economical management;' if there is a conflict which will have the priority?"

Senator Hemstad: "They would have to take all factors into account but health and safety surely is going to be a paramount duty and responsibility of this state in carrying out its duties under this compact."

Senator Lysen: "So your answer is the paramount would be health and safety would be paramount over economical, after they take everything into consideration which I am sure they will do, with or without this amendment, health and safety will be paramount over economical management? If your answer is 'yes' to that, I will feel reassured."

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Lysen moved adoption of the following amendment:

On page 2, lines 1 and 2, after "states" strike "and the maintenance of the viability of the states' economies"

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Williams moved adoption of the following amendment:

On page 3, line 30, strike all of section 3 and renumber subsequent subsections.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Guess, I am a little confused, Senator, from what I am hearing, we are supposed to allow outside states in, in order that the Congress will not override us and allow outside states in."

Senator Guess: "No, no."

Senator Ridder: "No?"

Senator Guess: "We are to leave, under certain and rare instances, wastes to come from some other western states until they can get their storage area agreed upon. This would, if we did not have this, then they are afraid that the Congress would say that it was an exclusionary document and was not adopted in a democratic frame; and for that reason the committee felt that it was the better part of judgment to let, under those particular limited conditions, other wastes come in."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Williams moved adoption of the following amendment:

On page 4, line 25, after "received." add "Each party state further agrees to designate at least one low-level radioactive waste facility site available for use by generators within the region or pursuant to Article V of this act by January 1, 1986."

Debate ensued.

MOTION

Senator Rasmussen moved that Substitute Senate Bill No. 4182 be rereferred to the Committee on State Government.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that Substitute Senate Bill No. 4182 be rereferred to the Committee on State Government.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTION

At 12:14 a.m., Senator Ridder moved the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Ridder that the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

ROLL CALL

The Secretary called the roll and the motion to adjourn failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PERSONAL PRIVILEGE

Senator Zimmerman: "I feel a slight bit of responsibility for the fact that we are working this late and I want to express my apologies to the body for the fact that I was absent, and consequently there was some pushing forward of measures.

"I do want to give you a quick report because I think, so everybody hears the same thing. I had talked a few hours ago to Isaiah Eldridge in the embassy in Mexico City, a man who is very close-mouthed and does not tell us very much and we do not get very much information from him, consequently we still have had very little information in regards to his reports as to what he sent to the FBI in Seattle. The FBI in Seattle, I talked to George Fisher a few hours ago, and of course, he, too, has not received anything. It's a slow mail boat or whatever it is that comes from Mexico to this part of the country.

"We did have an opportunity, we had a discussion with the UPI reporter who had had a report from Villa Hermosa, a city in Mexico and Tabasco, where a body had been found and they had considerable more details than anything we have had yet, and it is far more drastic report than we had expected to hear, despite the fact that we had some very optimistic things that had happened in the past several weeks as far as our children's visit down, our son and his wife; consequently our hopes had been buoyed but they have not been helped by the report of a few, of just about an hour ago.

"At the same time I want to express my sincere appreciation to the members of this house, the members of this body, the Senate, for the very, very kind things that you have said, and the very, very sympathies and all that you have expressed. Judy and I have had an opportunity, my wife Judy, and I, too, of course, spent the past day and a half, approximately, and we have certainly worked throughout a good number of things in regard to this situation. We still have some hopes that it might be misidentification, at the same time we are prepared for what is undoubtedly some realities that perhaps could be much worse than that.

"But I have also appreciated the fact that members from the Democrat aisle, across the aisle, had indicated their cooperation and I appreciate that that was such that it made possible a continuation of work here in this body.

"I would simply want you to know that we have had twenty-seven years of a fine opportunity to enjoy the youngest member of our family, and no matter what the final outcome is, it is one in which she lived life to the fullest and had worked in this building as a page, several times voluntarily and others, and also worked in the bill room, and had wanted to make a journey, a journey that perhaps, at this point, we do not know the final result of but other than it is not all that good, it does not appear to be.

"But I do appreciate your sincere and very, very kind thoughts; and I do not, in any way, I did not want to have anything to do with the extension of this time this evening, but at the same time, I feel privileged to be here and I hope that we can resume.

"Thank you very much."

REMARKS BY THE PRESIDENT

President Cherberg: "Well, thank you very much, Senator Zimmerman. I am sure that every member of the Senate is with you and Mrs. Zimmerman in every sense of the word during this trying time, and I am absolutely positive that no one in the least holds you responsible for working tonight. This was a 'must' job and I hope that you won't feel any embarrassment in that regard."

The Senate resumed consideration of the amendment by Senator Williams to page 4, line 25.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

The Senate resumed consideration of the amendment by Senator Williams to page 4, line 25 to Substitute Senate Bill No. 4182.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

MOTION

At 12:25 a.m., Senator Rasmussen moved the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate adjourn until 10:00 a.m., Thursday, April 2, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, it is now approximately 12:30 a.m. on Thursday, April 2, 1981. As I understand it, on Wednesday, April 1, 1981, was the 80th day of this legislative session. Is it the ruling of the chair that this is the 80th day or the 81st day of this legislative session?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "My understanding that the working day continues until adjournment, regardless of the hour."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the remarks that Senator Clarke just made are well taken. This is still the 80th day."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, if that rule were followed to its logical conclusion, then we could extend the cutoff by just not adjourning; we just keep going and not adjourning and thereby extend the cutoff.

"But Mr. President, the constitution says that we have to adjourn on the 105th calendar day, so you cannot do this forever."

Senator Vognild moved adoption of the following amendment by Senators Vognild and Lysen to Substitute Senate Bill No. 4182:

On page 4, line 31, strike everything after "states," on line 31 through "states" on line 33, and insert "each other party state agrees to maintain a hazardous chemical waste disposal facility available to generators within Washington"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Vognild and Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Williams moved adoption of the following amendment:

On page 5, line 7, after "bonding," insert "Such fees and requirements shall be in conformance with nuclear regulatory commission requirements."

MOTION

Senator Clarke moved the amendment by Senator Williams be laid upon the table.

Senator Ridder demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Could it be a proper motion to move that all the amendments to Senate Bill 4182 be laid upon the table in one motion."

REPLY BY THE PRESIDENT

President Cherberg: "The President thinks not, Senator. The President believes that each amendment deserves individual consideration."

PARLIAMENTARY INQUIRY

Senator Newhouse: "The motion has been made in other bodies and is used in other bodies. I find no prohibition against such a motion in our rules or in Reed's rules, sir."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Newhouse, you are referring to 'other bodies.' I presume you mean the Soviet Union, or what do you have reference to? That is the way they handle it over there, in those countries. There is no argument; they don't even have a President of the Senate. What body do you refer to? You have experienced these practices in . . .?"

"I guess he doesn't know anybody, Mr. President, that they do this in."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Remind the Senator that I was not asked to yield to a question and did not yield."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the most drastic motion is the question of consideration. I think if you will look in Reed's, you will see a discussion of this.

"And on the Senate rules, ' . . . the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read.' Now if you cannot do it with a question of consideration, you most certainly should not be able to do it with lay on the table."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I wonder if it would be in order to clear the galleries of all the public, because I do not think the public ought to see what is going on here. I guess if you are making sausage, you shouldn't invite people into the sausage factory."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Newhouse and other members of the Senate: the President believes that the entire purpose of placing a bill on second reading is to give the Senators an opportunity to perfect the bill; and the President cannot find any substantive evidence in the rules that would make your suggested motion in order."

PARLIAMENTARY INQUIRY

Senator Newhouse: "May I turn it around? Do you find anything in the rules which says that such a motion is not in order?"

REPLY BY THE PRESIDENT

President Cherberg: "You have the power of tradition and custom which has practically the same force as law."

PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, doesn't it suggest that the issue is not before the body? Would that suggest, to the affirmative of what you are ruling? The other amendments which he wants to lay on the table are not before the body."

REPLY BY THE PRESIDENT

President Cherberg: "The President has already said that he felt that each amendment deserves individual consideration. After all, a member may wish to vote for or against an amendment; and a motion to table all amendments, in a sense, is preventing the possible perfection of the bill."

POINT OF INQUIRY

Senator Ridder: "Senator Bottiger, would you tell me the meaning of the term 'prior restraint,' Senator?"

Senator Bottiger: "Well, 'prior restraint' is a classic case of preventing people from discussing or considering it by prohibiting it in advance of their ever even bringing it up; and I think, Senator Ridder, that is an excellent example of prior

restraint. You table all amendments before they are offered, in other words, nobody ever gets to know what it is they are voting on to table. Good example of prior restraint."

POINT OF ORDER

Senator Williams: "I would like to ask a question of either Senator Clarke or one of the members over there."

President Cherberg: "State your point of order."

Senator Williams: "I believe I was recognized."

President Cherberg: "Yes, you were."

Senator Williams: "Do I have the microphone to speak?"

President Cherberg: "You have the floor, Senator."

Senator Williams: "Yes sir, I was asking Senator Clarke if he would yield to a question."

POINT OF ORDER

Senator Clarke: "Point of order."

President Cherberg: "Senator Clarke has risen to a point of order. Will you express your point of order, please?"

Senator Clarke: "The matter before the body presently is a roll call on, forget what it is now, but, motion to roll call to lay on the table and that is a nondebatable issue and should be immediately put.

"Proceeding with my, if I may, Senator Newhouse then placed a matter of parliamentary inquiry as to whether or not he could make a single motion, and the President has ruled upon the point of parliamentary inquiry; that leaves before the body, the roll call on the nondebatable motion to lay on the table."

REPLY BY THE PRESIDENT

President Cherberg: "That is true. The President did recognize Senator Williams."

Senator Williams: "Yes, Mr. President. I would like to ask Senator Clarke to yield to a question. Or any member on that side.

"My question is just a simple courtesy, to ask what the purpose of the motion to lay on the table is for? I thought the purpose was second reading calendar, second reading was to consider amendments to the bills; and I frankly would like to know what the reason for the motion to lay on the table is for."

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the amendment by Senator Williams be laid upon the table.

ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

PERSONAL PRIVILEGE

Senator Hughes: "Mr. President, I think what has just occurred is a mockery of the legislative process."

Senator Clarke: "Mr. President."

President Cherberg: "Senator Clarke."

Senator Clarke: "The Senator is about to remark about a procedure that has been in action by the Senate, is not in order, on personal privilege."

President Cherberg: "Senator, you will have to confine your remarks to something personal to you."

PARLIAMENTARY INQUIRY

Senator Hughes: "I am wondering, under a point of personal privilege if I could adjust the concept of the legislative process and the rights of the people."

President Cherberg: "The President thinks not, Senator."

Senator Hughes: "Thank you."

PERSONAL PRIVILEGE

Senator Hansen: "I read very well at this time in the morning that we are going to get so far down this calendar. I have also been smart enough to read that we aren't going to make amendments stick.

"So why don't we just do away with our amendments, pass our bills down to where we get to go home. I think that is the sensible thing to do at this time of the morning."

Debate ensued.

REPLY BY THE PRESIDENT

President Cherberg: "Members of the Senate, the President believes that the Senate should continue in order."

MOTION

There being no objection, on motion of Senator Williams, an amendment to page 5, line 25 inserting "and the respective state legislative authority" on the desk of the Secretary of the Senate was withdrawn.

MOTION

Senator Hughes moved that Substitute Senate Bill No. 4182 be rereferred to the Committee on Energy and Utilities.

Senator Clarke demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Hughes that Substitute Senate Bill No. 4182 be rereferred to the Committee on Energy and Utilities.

ROLL CALL

The Secretary called the roll and the motion by Senator Hughes failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Williams moved adoption of the following amendment:

On page 5, strike all of lines 9 through 27 and insert:

"Each party state shall designate a representative to administer this compact. Such a representative may be chosen in whatever manner each party state by statute shall deem appropriate and may be an individual or a committee.

Representatives so designated shall together comprise the Northwest low-level waste compact committee. Each party state shall have one vote on the committee. The committee shall meet as required to consider matters arising under the compact including the exchange of information and solicitation of comments regarding existing or proposed regulations concerning low-level waste management in their states.

The committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region of this compact subject to the conditions specified in section three of this article. Each such arrangement shall require the approval of two-thirds of all party state representatives including the affirmative vote of the representative of the host state.

Washington's representative to the Northwest low-level waste compact committee shall submit an annual report by the beginning of each regular session to the legislature describing the activities of the committee."

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTION

At 1:10 a.m., Senator Bottiger moved the Senate recess for fifteen minutes.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate be in recess for fifteen minutes.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTION

At 1:16 a.m., Senator Rasmussen moved the Senate adjourn until 10:00 a.m. on the eighty-first day of the Legislature.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate adjourn until 10:00 a.m. on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Lysen—1.

MOTION

There being no objection, on motion of Senator Goltz, an amendment to page 5, following line 27 to Substitute Senate Bill No. 4182 on the desk of the Secretary of the Senate, was withdrawn.

Senator Goltz moved adoption of the following amendment:

On page 5, line 30, strike "Alaska, Hawaii,"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Gould, I understand that Hawaii is planning to build a nuclear power plant and therefore the amount of the waste coming from Hawaii would be substantially increased; and also they have just passed a bill saying they will not bury their own waste. Is that correct?"

Senator Gould: "I do not know whether that is true or not, Senator, but if they aren't any quicker about building their plants than we are, we do not have too much to worry about."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

On motion of Senator Goltz, the following amendment by Senators Goltz and Gould was adopted:

On page 6, after line 20, insert the following:

"NEW SECTION. Sec. 2. The person designated as the Washington Representative to the committee as specified in Article V shall adhere to all provisions of the low-level radioactive waste compact. In considering special conditions or arrangements for access to the state's facilities from wastes generated outside of the region, the committee member shall ensure at a minimum, that the provisions of Article IV, Section 3 are complied with. The Washington Representative shall approve access of such wastes to the state's facility only if there is no other feasible alternative available."

Renumber remaining sections consecutively.

On motion of Senator Goltz, the following amendment was adopted:

On page 6, after line 20, insert:

"NEW SECTION. Sec. 3. The official designated as the person responsible for administration of this compact shall be subject to confirmation by the senate."

Renumber the remaining sections accordingly.

Senator Ridder moved adoption of the following amendment:

On page 6, line 23, strike all of Section 3 and insert:

"NEW SECTION. Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with the provisions of Article II, Section 1 of the state constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Ridder.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Lysen—1.

Senator Gould moved the rules be suspended, Engrossed Substitute Senate Bill No. 4182 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Bottiger demanded a roll call.

There being no objection, on motion of Senator Gould, the motion to advance Engrossed Substitute Senate Bill No. 4182 to third reading and final passage was withdrawn.

Engrossed Substitute Senate Bill No. 4182 was passed to the Committee on Rules for third reading.

MOTION

Senator Bottiger moved the Senate now consider Senate Bill No. 4133. Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate now consider Senate Bill No. 4133.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTIONS

Senator McDermott moved the Senate now consider Senate Bill No. 3931.

Senator Clarke moved the motion by Senator McDermott be laid upon the table.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Clarke that the motion by Senator McDermott to consider Senate Bill No. 3931 be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The motion by Senator McDermott was laid upon the table.

SECOND READING

SENATE BILL NO. 4087, by Senator Benitz:
Relating to cloud seeding.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 4087 was substituted for Senate Bill No. 4087 and the substitute bill was placed on second reading and read the second time in full.

Senator Benitz moved the rules be suspended, Substitute Senate Bill No. 4087 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Shinpoch demanded a roll call.

There being no objection, on motion of Senator Benitz, the motion to advance Substitute Senate Bill No. 4087 to third reading and final passage was withdrawn.

Substitute Senate Bill No. 4087 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 4204, by Senator Guess:

Regulating insurance rates.

The bill was read the second time by sections.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Woody and McDermott:

On page 3, line 19, following "RCW" insert ": (i) private passenger auto, dwelling fire and homeowners insurance"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Shinpoch, Woody, McDermott and Zimmerman.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Woody, McDermott and Zimmerman was adopted:

On page 3, line 32, after "if" insert "not less than ten"

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Shinpoch, Woody, McDermott and Zimmerman.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—22.

On motion of Senator Pullen, the following amendment by Senators Pullen, Woody and Bottiger was adopted:

On page 3, section 4, line 34, after "differentials" and before the period insert "of a magnitude sizable enough to be meaningful to a typical prospective purchaser"

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Woody, McDermott and Zimmerman:

On page 4, line 1, strike "long-run"

MOTIONS

On motion of Senator Clarke, Senate Bill No. 4204, as amended, together with the pending amendment by Senators Shinpoch, Woody, McDermott and Zimmerman, was ordered held for further consideration on April 2, 1981.

At 2:10 a.m., Senator Bottiger moved the Senate adjourn until 10:00 a.m. on the eighty-first day of the Legislature.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate adjourn until 10:00 a.m., on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

SECOND READING

SENATE BILL NO. 3580, by Senators Guess and Hansen:

Excluding from disclosure certain information relating to bids.

The Senate resumed consideration of Senate Bill No. 3580. On March 30, 1981, an amendment by Senator McDermott was adopted.

Senator McDermott moved adoption of the following amendment:

On page 1, line 12, after ".070" insert ": **PROVIDED, That if the department finds that the successful bidder has at least \$500,000 in net worth or the ability to secure such resources then the department shall be required to make available the information of the successful bidder"**

Debate ensued.

There being no objection, the amendment by Senator McDermott was held following consideration of amendments by Senator Hemstad which would precede the amendment proposed by Senator McDermott.

Senator Hemstad moved adoption of the following amendment:

On page 1, line 4, after "chapter" strike "42.17" and insert "47.28"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Hemstad: "I intend to ask for reconsideration of the amendment that was adopted . . . submitted by Senator McDermott. And I am wondering if that should come before the consideration of this amendment that I would intend to submit in its place."

REPLY BY THE PRESIDENT

President Cherberg: "You may try to reconsider the vote by which the McDermott amendment was adopted after consideration on the other amendments. Do you move the adoption of the other amendments?"

Senator Hemstad: "I move the adoption of my amendment."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Hemstad, is it, by this amendment, your intention to subvert indirectly the open records act?"

Senator Hemstad: "No, it is not."

Senator McDermott: "So that the records would still be available under the provisions of the open records act?"

Senator Hemstad: "No, that portion of the information that would be of financial information nature, would be protected. I call to your attention the transcript from the hearing on this bill and it is of interest. At that hearing, Paul Conrad, the executive director of the Allied Daily Newspapers, testified at the hearing, that he did not object to the thrust of the bill; and as it says, we won't oppose the legislation although it has the effect of removing from . . . records, one bit of information, and that information is the financial information but as Senator Quigg has indicated, the other kinds of historical information or general ability to perform kind of information, is still entirely accessible to the public."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hemstad.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

On motion of Senator Hemstad, the following amendment was adopted:

On page 1, line 6, beginning with "Notwithstanding" strike all the matter down through "42.17.340, the" on line 7 and insert "The"

The Senate resumed consideration of the following amendment by Senator McDermott that had been moved for adoption earlier today:

On page 1, line 12, after ".070" insert "PROVIDED, That if the department finds that the successful bidder has at least \$500,000 in net worth or the ability to secure such resources then the department shall be required to make available the information of the successful bidder"

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hemstad moved the Senate reconsider the vote by which an amendment by Senator McDermott to page 1, line 12, to Senate Bill No. 3580, was adopted on March 30, 1981.

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, this bill was considered, I cannot remember what day, three or four days ago, but it seems to me there has been intervening business between the time we adopted my amendment and the motion which is now being put. Therefore, I think it is out of order."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Motion to reconsider an amendment is always in order until final passage of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Well, in this case, it is in order; not always though."

MOTIONS

At 2:46 a.m., Senator Rasmussen moved the Senate adjourn until 11:00 a.m., on the eighty-first day of the Legislature.

Senator Pullen moved the motion by Senator Rasmussen be amended to 12:00 noon on the eighty-first day of the Legislature.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Rasmussen, as amended by Senator Pullen, that the Senate adjourn until 12:00 noon on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen, as amended by Senator Pullen, failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "The cutoff hour as established by the concurrent resolution was 5 p.m., . . ."

President Cherberg: "Eighty-first legislative day, Senator."

Senator Rasmussen: ". . . eighty-first legislative day. That cutoff date, time, is set by the clock as we witness them in the chamber?"

PARLIAMENTARY INQUIRY

Senator Rasmussen: "I asked if the time as set by the concurrent resolution was governed by the clocks in the chamber."

REPLY BY THE PRESIDENT

President Cherberg: "It is determined by the proper time. The President doesn't know whether the clocks are right or not, Senator."

Senator Rasmussen: "Thank you, Mr. President, I presume it means Greenwich time which cannot be changed by somebody putting a stick in the gears."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, joining Senator Rasmussen in pulling out House Concurrent Resolution 3, we have been operating on a presumption that the 81st day is the key day; but the resolution itself says, "Thursday, April 2nd, the 81st day at 5 p.m.""

REPLY BY THE PRESIDENT

President Cherberg: "That is the cutoff time, Senator, 5 p.m., April 2nd."

The President declared the question before the Senate to be the motion by Senator Hemstad that the Senate reconsider the vote by which an amendment to page 1, line 12 by Senator McDermott to Senate Bill No. 3580 was adopted on March 30, 1981.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hemstad that the Senate reconsider the vote by which an amendment to page 1, line 12 by Senator McDermott to Senate Bill No. 3580 was adopted on March 30, 1981.

ROLL CALL ON RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Hemstad carried by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

The President declared the question before the Senate to be the amendment by Senator McDermott which was adopted by the Senate on March 30, 1981 on reconsideration.

On page 1, line 12, after ".070" insert "PROVIDED, That the department shall be required to make available the information of the successful bidder"

ROLL CALL

The Secretary called the roll and the amendment was not adopted, on reconsideration, by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Woody, Zimmerman—27.

On motion of Senator Hemstad, the following amendment to the title was adopted:

On line 2 of the title strike "42.17" and insert "47.28"

Engrossed Senate Bill No. 3580 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3776, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

Revising procedures for issuance of vehicle trip permits.

The bill was read the second time by sections.

Senator Charnley moved adoption of the following amendment:

On page 3, line 32, following "of" strike "thirty" and insert "sixty"

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, I believe the speaker has already spoken."

RULING BY THE PRESIDENT

President Cherberg: "You have spoken once already, Senator. The point is well taken, Senator Talmadge."

Further debate ensued.

Senator Charnley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

MOTION

At 3:09 a.m., Senator Rasmussen moved the Senate adjourn until 12:00 noon on the eighty-first day of the Legislature.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate adjourn until 12:00 noon on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

MOTIONS

At 3:13 a.m., on motion of Senator Goltz, the Pages were dismissed because of the late hour.

Senator Bottiger moved adoption of the following amendment to Senate Bill No. 3776:

On page 5, line 5, add a new subsection as follows:

"(10) No trip permits shall be issued under this act until proof of financial responsibility pursuant to RCW chapter 46.29 has been established."

Debate ensued.

MOTION

Senator Bottiger moved the remarks made by Senator von Reichbauer regarding the amendment by Senator Bottiger be placed in the Senate Journal.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that the remarks by Senator von Reichbauer be placed in the Senate Journal.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Further debate ensued.

The President declared the question before the Senate to be the amendment by Senator Bottiger to Senate Bill No. 3776.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senate Bill No. 3776 was passed to the Committee on Rules for third reading.

MOTIONS

Senator Clarke moved the Senate commence consideration of Senate Bill No. 3857.

At 3:22 a.m., Senator Fleming moved the Senate adjourn until 10:00 a.m., on the eighty-first day of the Legislature.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming that the Senate adjourn until 10:00 a.m. on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Hansen—1.

POINT OF INQUIRY

Senator Peterson: "Senator Clarke, would you give us a list of them and maybe we could just have a twenty-five/twenty-four vote, and maybe we could get out before 5(a.m.) that way?"

Senator Clarke: "Well, are you making that offer on behalf of your, are you authorized to make that offer to us?"

Senator Peterson: "No, I am not exactly authorized, but if you would give us a list, I think that maybe our side of the aisle might agree with it rather than going twenty-five/twenty-four on every amendment and bill. If we are going to have seven more bills, we might as well do it all at once."

Senator Clarke: "Well, let's see how it works out as it goes; we will try to accommodate you."

Senator Peterson: "If we could have a ten-minute recess, you could just give us the list and we could . . ."

The motion by Senator Clarke carried. The Senate commenced consideration of Senate Bill No. 3857.

SECOND READING

SENATE BILL NO. 3857, by Senators Moore, Haley and Hemstad:
Extending authority for use of legend drugs.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 3857 was substituted for Senate Bill No. 3857, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 3857 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3857, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Bauer, Benitz, Craswell, Deccio, Guess, Hayner, Hughes, Hurley, Lysen, Metcalf, Pullen, Quigg, Rasmussen, von Reichbauer, Wilson—15.

SUBSTITUTE SENATE BILL NO. 3857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3844, by Senators Craswell, Goltz and Metcalf:

Prohibiting legislators from accepting campaign contributions during the legislative session.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 3844 was substituted for Senate Bill No. 3844 and the substitute bill was placed on second reading and read the second time in full.

Senator Hughes moved adoption of the following amendment:

On page 1, line 10 after "general," insert "not a recall election,"

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, reading from the digest, which indicates that 'public disclosure law is amended to prohibit legislators or their political committees from accepting contributions.' How would you interpret that . . .?"

Senator Pullen: "You are reading the original bill, not the substitute bill, Senator Rasmussen."

Senator Rasmussen: "Well, what does it say then, regarding political committees, Senator Pullen, the substitute?"

Senator Pullen: "Says you cannot solicit a contribution; there is a difference."

Senator Rasmussen: "What is the difference?"

Senator Pullen: "Well, the difference is, a person could conceivably have a fund raiser prior to the start of session and as all of us know, checks, contributions sometimes filter in for months afterward and it would put a legislator in a very difficult spot under the original bill as introduced; if he or she held a fund raiser in December of November, just after the election, to perhaps pay off the debt, and then contributions started coming in in January after the session was under way, under the original bill as introduced, that legislator could not accept the contribution even though it was solicited far in advance of the session.

"In the substitute bill, it simply says that you may not solicit a contribution during the session, but you could accept one if the fund raiser had been held prior to the session."

Senator Rasmussen: "Well, I am thinking possibly, in Pierce county we just had a race in which legislators were running but they were not running for legislative office, state legislative office, they were running for county legislative office. Under this bill they would then be prohibited from having a fund raiser?"

Senator Pullen: "No, Senator Rasmussen, in your case you could have had a fund raiser and you could have solicited and accepted contributions. Because of the language in the bill which provides an exception, saying that there is an exception for a legislator whose name appears on the ballot for a primary or other election which will be held during the legislative session or within thirty days following its adjournment.

"So that would have exempted you in your particular case, and you would have been eligible to solicit contributions."

POINT OF INQUIRY

Senator Hughes: "Senator Craswell, the charge of 'eyewash' has been put forward; I am sure your intentions in introducing this bill, was not eyewash and I am sure that we can count on, or I would like to ask if we can count on you to go even further, perhaps introduce some legislation that would forbid caucus fund raisers, since the concept, if you find it offensive for individual legislators, surely the caucus would follow along those lines. Would you agree?"

Senator Craswell: "No, the bill specifically excludes caucus fund raisers and I do not think that is a similar consideration."

Senator Hughes: "You do not believe you would want to pursue that course as well?"

". . . one other question. I am wondering, Senator Craswell, if you feel that in any way, exempting a member who might be under recall from this, would be in any way providing a special privilege?"

Senator Craswell: "I think a member, under recall, should be treated just the same as anybody else who might be running for any other election."

Senator Hughes: "One last follow-up. Would you support the concept of public funding which surely would eliminate any appearance of unfair, unethical practice?"

Senator Craswell: "I really do not know what public funding has to do with this bill, but no, I do not support public funding."

MOTIONS

At 3:40 a.m., Senator Rasmussen moved that the Senate adjourn until 12:30 p.m. on the eighty-first day of the Legislature.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate adjourn until 12:30 p.m., on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Woody—1.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hughes to page 1, line 10 of Substitute Senate Bill No. 3844.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent or not voting, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senators Lysen, Woody—2.

Substitute Senate Bill No. 3844 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3777, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

Establishing appeal and collection procedures for proportionally licensed vehicles.

MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 3777 was substituted for Senate Bill No. 3777 and the substitute bill was placed on second reading and read the second time in full.

Senator Shinpoch moved adoption of the following amendment:

On page 3, after line 19, insert:

"The provisions of this section shall apply to vehicles licensed pursuant to chapter 46.16 RCW and such vehicles shall be deemed proportionally registered vehicles for purposes of this 1981 act."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

REMARKS BY SENATOR GUESS

Senator Guess: "I want to answer the Senator."

President Cherberg: "The President thinks that Senator Guess has the privilege of reply."

Senator Shinpoch: "Under personal privilege, I would agree. I don't think he has asked for personal privilege."

REPLY BY THE PRESIDENT

President Cherberg: "You are correct."

PERSONAL PRIVILEGE

Senator Guess: "Mr. President, Senator McDermott made a derogatory . . ."

President Cherberg: "You wish to speak on a point of personal privilege?"

Senator Guess: "I wish to speak on a point of personal privilege."

"Senator McDermott has done something no other Senator has done on this floor and I very bitterly resent him saying that I was going out the door with a bag full of money; and I demand an apology."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, Senator Guess, if you had been in your seat you would have heard I said 'When Senator Shinpoch spots somebody and says "There's a ripoff"', why, that is a perfectly appropriate comment. It was not directed at you; but this bill is a bill that is giving people special privilege. It is passing in the middle of the night, nobody knows that it is happening, and when somebody stands up and points it out and says 'Let us include all the people,' then for you to put them down and say they have not read the bill, seems to me a very bad misuse of your position on this floor."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, may I read one paragraph out of this bill? 'Copies of proratinal registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary proration authorization permits; weight certifications indicating the unladen, ready for the road, weight of each vehicle in the fleet . . .'"

President Cherberg: "Senator Shinpoch will state his point of order."

POINT OF ORDER

Senator Shinpoch: "Well, Mr. President, Senator Guess has already spoken once; he is not speaking under point of personal privilege and I think he is out of order."

REPLY BY THE PRESIDENT

President Cherberg: "The Senator requested an opportunity to read a paragraph from the bill and the President granted the privilege."

POINT OF ORDER

Senator Shinpoch: "Point of order, Mr. President. Under the rules that Senator Jones, the motion that he made, I do not believe that that is permitted. When there is an objection to that, I do not think that is permitted."

President Cherberg: "The point of order is well taken."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Shinpoch.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—27.

Absent or not voting: Senator Lysen—1.

Substitute Senate Bill No. 3777 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3778, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

Revising proportional vehicle licensing laws.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3778 was substituted for Senate Bill No. 3778 and the substitute bill was placed on second reading and read the second time in full.

Substitute Senate Bill No. 3778 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3751, by Senators Gallagher, Rasmussen, Quigg, Sellar, Shinpoch, Lee, Haley, Peterson, Fuller, Bottiger, Metcalf, Zimmerman and Vognild:

Transferring the licensing functions of the departments of fisheries and game to the department of licensing.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3751 was substituted for Senate Bill No. 3751 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3751 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3751 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee,

McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Woody, Zimmerman—44.

Voting nay: Senators Gaspard, Peterson, Talley, Wilson, Wojahn—5.

SUBSTITUTE SENATE BILL NO. 3751, having received the constitutional majority, was declared passed. There being objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3394.

SECOND READING

SENATE BILL NO. 3394, by Senators Goltz, Bottiger and Quigg:
Increasing the business and occupation tax credit for cogeneration facilities.
The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Senate Bill No. 3394 was advanced to third reading, the second-reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3394 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Charnley, Lysen, Shinpoch, Wilson—4.

SENATE BILL NO. 3394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3945, by Senators Zimmerman, Bauer, Benitz and Talley:

Authorizing the establishment of an Oregon-Washington bi-state Columbia River Gorge compact.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3945 was substituted for Senate Bill No. 3945 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the following amendment was adopted:

On page 4, line 5, after "council" strike all material down to and including "term" on line 6.

On motion of Senator Zimmerman, the rules were suspended, Engrossed Substitute Senate Bill No. 3945 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3945 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Bauer, Gaspard, Hansen, Lysen, McDermott, Moore, Rasmussen, Shinpoch, Talmadge, Vognild—10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3945, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4348, by Senators Sellar, Clarke and Bauer (by Department of General Administration request):

Establishing revolving funds for the division of banking and the division of savings and loan associations.

REPORT OF STANDING COMMITTEE

March 18, 1981.

SENATE BILL NO. 4348, establishing revolving funds for the division of banking and the division of savings and loan associations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20 after "associations" insert "and credit unions".

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

Senator Sellar moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Bottiger: "Senator Sellar, for years many of us down here have been opposed to revolving funds that were not subject to legislative appropriation. As I understand the amendment, the bill added a whole series, and you are adding even more to the group that are not subject to legislative review and appropriation."

Senator Sellar: "Yes, that would add credit unions; that is the purpose of the amendment."

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson,

Pullen, Quigg, Ridder, Scott, Sellar, Talley, von Reichbauer, Wojahn, Zimmerman—33.

Voting nay: Senators Bottiger, Charnley, Conner, Goltz, Hansen, Hughes, Lysen, McDermott, Peterson, Rasmussen, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody—16.

MOTION

At 4:23 a.m., Senator Rasmussen moved the Senate adjourn until 12:30 p.m. on the eighty-first day of the Legislature.

POINT OF INQUIRY

Senator Peterson: "Senator Clarke, is this the last bill, or do we have one more?"

Senator Clarke: "As far as I know, this is the last bill. We expect to advance to the eighth order immediately after passing of the bill."

Senator Peterson: "Well, Senator Rasmussen, would you withdraw your motion so we can . . ."

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate adjourn until 12:30 p.m. on the eighty-first day of the Legislature.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 18; nays, 30; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—18.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Woody, Zimmerman—30.

Absent or not voting: Senator Lysen—1.

Senator Vognild moved adoption of the following amendment to Senate Bill No. 4348:

On page 2, line 4, delete "but no" and insert "an".

Debate ensued.

The motion by Senator Vognild failed and the amendment was not adopted on a rising vote.

MOTION

Senator Sellar moved the rules be suspended, Engrossed Senate Bill No. 4348 be advanced to third reading, the second reading considered the third and the bill be placed on the final passage.

Senator Bottiger demanded a roll call.

On motion of Senator Sellar, the motion to advance Engrossed Senate Bill No. 4348 was withdrawn.

Engrossed Senate Bill No. 4348 was passed to the Committee on Rules for third reading.

MOTION

On motion of Senator Clarke, there being no objection, the Senate advanced to the eighth order of business.

MOTION

Senator Charnley moved the Senate now consider Senate Resolution 38.

POINT OF ORDER

Senator Clarke: "I raise the point of order that it is substantially similar to a, exactly similar to a resolution on which the body has already acted by sending it to rules and I call attention to rule, Reed's 111, on points of order 'Another method of preventing consideration is to raise a point of order which is in substance an objection that the question cannot be considered because it conflicts with rules and orders already established, or with proceedings already determined upon by the assembly.'

"And this particular resolution has already been acted on by the assembly and that it has referred it to the rules committee."

Debate ensued.

At 4:36 a.m., the Senate was declared to be at ease.

The President called the Senate to order at 4:50 a.m.

RULING BY THE PRESIDENT

President Cherberg: "The President finds that Senate resolution 1981-38, and the Senate resolution 1981-39 are identical to Senate resolution 1981-36 and Senate resolution 1981-37. The Senate, upon motion by Senator Hayner, referred Senate resolution 1981-36 and Senate resolution 1981-37, to the Senate rules committee. Therefore, the President believes it will be necessary for the rules committee to place the matter before the body or by motion, the Senate may relieve the committee of the resolutions."

MOTION

Senator Bottiger moved the Committee on Rules be relieved from further consideration of Senate Resolutions 1981-36 and 37.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Committee on Rules be relieved from further consideration of Senate Resolutions 1981-36 and 37.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 24; nays, 24; absent or not voting, 1; the President voted yea.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Conner—1.

The Committee on Rules was relieved from further consideration of Senate Resolution 1981-36 and 37.

MOTIONS

Senator Pullen moved that Senate Resolutions 1981-36 and 37 be held on the Senate floor for possible future action.

Senator Bottiger moved that Senate Resolutions 1981-36 and 37 be made a special order of business for 2:00 p.m. on April 2, 1981.

PARLIAMENTARY INQUIRY

Senator Charnley: "Mr. President, if we are not in session at 2 o'clock, does that mean that when we go into session at any time after 2 o'clock, that would be the first order of business?"

REPLY BY THE PRESIDENT

President Cherberg: "The President would construe that to be the case."

The motion by Senator Bottiger failed on a rising vote.

The President declared the question before the Senate to be the motion by Senator Pullen that Senate Resolutions 1981-36 and 37 be held on the Senate floor for possible future action.

POINT OF INQUIRY

Senator Bottiger: "Mr. President and perhaps Senator Pullen I have a problem with 'a future time.' The resolutions are then in some form of limbo that I do not understand. If it was on the second reading calendar or some place, but 'a future time' is so indefinite that I really do not understand what it is."

Senator Pullen: "Senator Bottiger, I have a problem that we are even here at 5 a.m. in the morning, on the eighth order of business.

"The intent of the motion would be to have it on the floor before us just like the measure is when it is first introduced. After it is introduced it sits on the floor and when we get to the eighth order of business, we can dispose of it in a way that a majority of this body sees fit. And it will be in the same category or status as it was when it was originally introduced.

"There is nothing unusual about that and it is a standard motion that is often applied to many bills and other measures."

MOTION

At 4:59 a.m., Senator Rasmussen moved the Senate adjourn until 1:00 p.m. on April 2, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Rasmussen that the Senate adjourn until 1:00 p.m., April 2, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 19; nays, 29; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn—19.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognil, von Reichbauer, Woody, Zimmerman—29.

Absent or not voting: Senator Conner—1.

The motion by Senator Pullen carried. Senate Resolutions 1981-36 and 1981-37 were ordered held for possible future action.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Woody moved that the Senate now reconsider the vote by which Engrossed Substitute Senate Bill No. 3797 failed to pass the Senate on March 27, 1981.

Debate ensued.

The motion by Senator Woody that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 3797 failed to pass the Senate carried on a rising vote.

Engrossed Substitute Senate Bill No. 3797 is on third reading, on reconsideration.

STATEMENT FOR THE JOURNAL

April 20, 1981.

TO: Hon. Sid Snyder
Secretary of the Senate

FROM: Senator Hal Zimmerman

RE: Statement for the Journal

Because of the recent death of my daughter, Judi Jean Zimmerman, I missed session and votes on measures before the Senate on the following days: March 31, April 1, 10, and 11. Republican Caucus leadership arranged to hear a consent calendar so that there would be no major controversial issues decided those days.

MOTIONS

Senator Vognild moved the rules be suspended and Senate Bill No. 3296 be placed on the second reading calendar today as a special order of business for 4:45 p.m.

At 5:07 a.m., Senator Hayner moved the Senate adjourn until 10:30 a.m. April 2, 1981.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hayner that the Senate adjourn until 10:30 a.m., April 2, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner carried by the following vote: Yeas, 28; nays, 20; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Absent or not voting: Senator Conner—1.

The motion by Senator Hayner carried. At 5:11 a.m., the Senate adjourned until 10:30 a.m., Thursday, April 2, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 2, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Colleen Baker and Kristi Van Neil, presented the Colors. Reverend Richard Hart, Senior Pastor of the First Baptist Church of Olympia, offer the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEE

March 30, 1981.

SENATE BILL NO. 4090, relating to tuition and fees (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 4090 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Benitz, Chairman; Guess, Patterson, Scott, von Reichbauer.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Goltz, Shinpoch.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 1, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 216,

SUBSTITUTE HOUSE BILL NO. 320,

ENGROSSED HOUSE BILL NO. 371,

ENGROSSED HOUSE BILL NO. 372,

SUBSTITUTE HOUSE BILL NO. 431,

SUBSTITUTE HOUSE BILL NO. 467,

ENGROSSED HOUSE BILL NO. 493,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711,

ENGROSSED HOUSE BILL NO. 721, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 1, 1981.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 137,

ENGROSSED HOUSE BILL NO. 160,

ENGROSSED HOUSE BILL NO. 232,

ENGROSSED HOUSE BILL NO. 701, and the same are herewith transmitted.

VITO T. CHEICHI, Chief Clerk.

April 1, 1981.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 74,
 SUBSTITUTE HOUSE BILL NO. 128,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 149,
 SUBSTITUTE HOUSE BILL NO. 178,
 SUBSTITUTE HOUSE BILL NO. 349,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 402,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 440,
 ENGROSSED HOUSE BILL NO. 441,
 ENGROSSED HOUSE BILL NO. 569,
 SUBSTITUTE HOUSE BILL NO. 601,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 10, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 1, 1981.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101,
 ENGROSSED HOUSE BILL NO. 230,
 SECOND SUBSTITUTE HOUSE BILL NO. 257,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 444, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 110, by Senators Guess, Goltz and Sellar:

Authorizing review of auditing of local governments.
 Referred to Committee on Local Government.

FIRST READING OF HOUSE BILLS

SECOND SUBSTITUTE HOUSE BILL NO. 74, by Committee on Energy and Utilities (originally sponsored by Representatives Barnes, Williams, Wang, Hine and McCormick):

Extending expiration date of governor's powers relating to energy shortages.
 Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 128, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Brown, Winsley, Becker, Tupper, Salatino, Patrick, Chandler, McGinnis, Owen, Stratton, Granlund, Grimm, Erickson, Wang, Hine, Galloway, Taylor, Wilson, Walk, Pruitt, Garrett, Brekke and Clayton):

Enacting a bill of rights for victims and witnesses of crime.
 Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 137, by Committee on Financial Institutions and Insurance and Representative Dawson:

Modifying laws on usury.
 Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 149, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Padden, Stratton, Van Dyken, Gallagher, North, Ellis and Bond):

Providing for the right to medical treatment of a fetus born alive during an abortion.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 160, by Representatives Struthers, Kreidler, Galloway and Nelson (G):

Revising provisions relating to retail installment sales.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 178, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Garson and Kreidler):

Modifying requirements for building and funding the Washington center for the performing arts.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 216, by Committee on Transportation (originally sponsored by Representatives Wilson, Schmidt, Houchen, Nisbet, McCormick, Smith, Fiske, Clayton and Lundquist):

Placing ferry employees under the state civil service system.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 232, by Representatives Bickham, Eng, Winsley, King (R), McGinnis, Martinis, Sanders, Nisbet, Scott and King (J):

Expanding the usury exemption on business loans.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 320, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson, Sanders, Sprague, Ellis, Clayton, Eberle, Patrick, Johnson, Lane, Bickham, Bond, Nickell, Tilly and Hastings):

Modifying provisions concerning plats and subdivisions.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 349, by Committee on Labor and Economic Development (originally sponsored by Representatives Nelson (G), King (R), Mitchell, Gruger, Houchen, Bender, Martinis, Sprague and Scott):

Authorizing a regional cultural arts and convention facility.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 371, by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Wilson:

Restricting application of the shoreline management act to forest practices.

Referred to Committee on Parks and Ecology.

ENGROSSED HOUSE BILL NO. 372, by Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Wilson:

Modifying the state environmental policy act.

Referred to Committee on Parks and Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, by Committee on Energy and Utilities (originally sponsored by Representatives Barnes, McCormick and Williams) (by Governor Spellman request):

Modifying powers and duties of the energy office.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 431, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Fiske, Erickson, Houchen and Ellis):

Placing judicial training under the administrator for the courts.

Referred to Judiciary Committee.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 440, by Committee on Ways and Means (originally sponsored by Select Committee on Corrections and Representatives Struthers, Becker, Houchen, Owen, Mitchell, Granlund, Winsley, Walk, Leonard, Galloway, Fiske, Warnke, Van Dyken, Erickson, Berleen, Ellis, Hastings, Clayton, Tupper, Garrett, Wang, Addison, Teutsch and Brown):

Enacting the sentencing reform act.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 441, by Select Committee on Corrections and Representatives Struthers, Becker, Houchen, Nelson (D), Mitchell, Owen, Barr, Granlund, Winsley, Walk, Galloway, Fiske, Warnke, Erickson, Berleen and Brown:

Providing for the siting of state correctional facilities.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 467, by Committee on Energy and Utilities (originally sponsored by Representatives Bond, Scott, Barr, Stratton, Fancher, McCormick, Hastings, Clayton, Nickell, Isaacson, Erak, Bender, McGinnis, Leonard, Williams, Eberle, Padden and Ellis):

Providing for expedited review of energy facility siting decisions.

Referred to Committee on Energy and Utilities.

ENGROSSED HOUSE BILL NO. 493, by Committee on Ethics, Law and Justice and Representatives Ellis and Salatino:

Modifying requirements for the use and foreclosure of deeds of trust.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561, by Committee on Appropriations—General Government (originally sponsored by Committee on Ways and Means and Representatives Williams and Chandler) (by Office of Financial Management request):

Providing for the allotment of local funds of state agencies.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 569, by Representatives Nickell, Patrick, Clayton, Struthers, Ellis and Hastings:

Redefining habitual criminal status.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 601, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representative Ellis):

Enacting the court congestion reduction act.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 701, by Representatives Dawson and Williams:

Modifying provisions relating to accounts offered by financial institutions.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711, by Committee on Education (originally sponsored by Representatives Addison and Lane):

Providing reimbursement for school district transportation costs only to school geographically nearest or next-nearest to student's place of residence.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 721, by Representatives Chandler and Nisbet:

Requiring the termination of the medical care only program.

Referred to Committee on State Government.

ENGROSSED HOUSE JOINT MEMORIAL NO. 10, by Representatives Lane, O'Brien, Taylor, Barrett, Eng, Fancher, Flanagan, King (J), Nelson (G), Lux, Owen, Tupper, Leonard and Maxie:

Requesting passage of the Urban Jobs and Enterprise Zone Act.

Referred to Committee on Commerce and Labor.

MOTION

At 10:53 a.m., on motion of Senator Clarke, the Senate recessed until 12:05 p.m.

SECOND MORNING SESSION

The President called the Senate to order at 12:05 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3304.

SECOND READING

SENATE BILL NO. 3304, by Senators Wilson and Deccio:

Modifying eligibility requirements for local jail improvement and construction funds.

The bill was read the second time by sections.

On motion of Senator Deccio, the following amendment by Senators Deccio, Wilson, Bauer and Quigg was adopted:

On page 4, after line 29, insert the following:

"NEW SECTION. Sec. 4. There is added to chapter 70.48 RCW a new section to read as follows:

For the purposes of RCW 70.48.080, "full or partial closure" of a jail means the nonuse of a jail or a defined portion thereof for incarceration purposes. The term does not mean limitations on jail programs, services, capacities, or lengths of incarceration time.

NEW SECTION. Sec. 5. There is added to chapter 70.48 RCW a new section to read as follows:

All cities or counties which accept funding for jail remodeling or new construction under this chapter shall certify to the commission that the facility to be built shall, upon opening, meet all mandatory custodial care standards adopted by the commission under RCW 70.48.050. However, the commission may grant temporary variances from the mandatory custodial care standards. The commission shall not make funding under this chapter contingent on compliance of the existing jail facility with standards adopted under RCW 70.48.050."

On motion of Senator Deccio, the following amendments by Senators Deccio, Wilson, Bauer and Quigg to the title were adopted:

On page 1, line 5 of the title, after "70.48.120;" strike "and".

On page 1, line 6 of the title, after "70.48.160" and before the period insert "; and adding new sections to chapter 70.48 RCW".

On motion of Senator Deccio, the rules were suspended, Engrossed Senate Bill No. 3304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Fleming was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3304 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Fleming—1.

ENGROSSED SENATE BILL NO. 3304, 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.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 3797.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3797, by Committee on Energy and Utilities (originally sponsored by Senators Gould, Bottiger, Guess, Hemstad, Hurley, Scott, Williams, Woody and Moore):

Modifying provisions relating to the management of joint operating agencies.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 3797, on reconsideration. The bill failed to pass the Senate on March 27, 1981. On April 1, 1981, on motion of Senator Woody, the Senate moved to reconsider the vote by which the bill failed to pass the Senate.

MOTIONS

On motion of Senator Williams, the rules were suspended and Engrossed Substitute Senate Bill No. 3797 was returned to second reading.

On motion of Senator Williams, the following amendments were considered and adopted simultaneously:

On page 2, line 23, following "constructing", strike "or operating".

On page 3, line 7, following "constructing", strike "or operating".

On page 5, line 3, following "board.", insert a new subsection to read:

"(7) Any executive board created pursuant to this act shall cease to function upon the initiation of regular operations of the nuclear plant over which it has exercised construction management powers and duties. If the operating agency is constructing two or more nuclear plants simultaneously, the executive board shall cease exercising all powers as to each plant as it becomes operational."

On page 5, line 8, following "constructing", strike "or operating".

On page 5, line 25, following "constructing", strike "or operating".

Senator Gould moved the following amendments by Senators Gould and Williams be considered and adopted simultaneously:

On page 2, line 33, strike "and".

On page 2, line 35, after "act" and before the period insert "; and

(e) Select, appoint, and establish the compensation of the outside directors as provided in section 2 of this 1981 act".

On page 3, beginning on line 3, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing or operating a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Seven members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the seven members of the executive board elected from among the members of the board of directors so as to afford fair representation which reflects the member public utility districts' and cities' participation in the joint operating agency's projects. The board of directors may also provide by rule for the removal of a member of the executive board, including the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board.

(b) Four members of the executive board shall be outside directors and shall be selected and appointed by the board of directors. The outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors shall choose by lot two outside directors to serve two-year terms and two to serve four-year terms. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Be compensated and reimbursed for travel expenses as provided in RCW 43.52.290. Compensation shall not exceed ten thousand dollars in any year. In addition, the outside directors may be paid a consulting fee as established by the board of directors;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in any way in the financial affairs of the operating agency, including but not limited to as an investor, underwriter, or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science or be recognized experts in the construction or management of such facilities as the operating agency is constructing or operating.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. To the extent reasonably possible, the membership and operation of the executive board should be patterned after boards of directors of large private corporations.

(4) The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record.

(5) With respect to any operating agency existing on the effective date of this act to which the provisions of this section are applicable:

(a) The board of directors shall elect seven members to the executive board no later than sixty days after the effective date of this act; and

(b) The board of directors shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than ninety days after the effective date of this act and the powers and duties prescribed in RCW 43.52.375, 43.52.378, and this section shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board."

The motion by Senator Gould carried and the amendments were adopted.

On motion of Senator Gould, the rules were suspended, Reengrossed Substitute Senate Bill No. 3797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3797 and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Craswell, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Peterson, Quigg, Scott, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody—31.

Voting nay: Senators Benitz, Clarke, Conner, Deccio, Fuller, Hayner, Jones, McCaslin, Metcalf, Patterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Wilson, Zimmerman—18.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3797, having received the constitutional majority, on reconsideration, 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 Clarke, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 4034, by Senators Talmadge and Newhouse:
Modifying provisions on refunds for property taxes paid.

REPORT OF STANDING COMMITTEE

March 25, 1981.

SENATE BILL NO. 4034, modifying provisions on refunds for property taxes paid (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 4 after "84.69.020;" strike "and".

On page 1, line 5 after "84.69.120" and before period insert "; and adding a new section".

On page 3, after line 10 insert a new section as follows:

"NEW SECTION. Sec. 3. Section 1 (12) of the amendatory act applies to only those taxes which first become due and payable subsequent to January 1, 1981."

Signed by: Senators Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Haley, Lee, Pullen, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 4034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4034 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 4034, 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 Clarke, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3118, by Committee on Local Government (originally sponsored by Senators Gaspard and Sellar):

Permitting any port district to appoint police officers.

MOTION

Senator Lysen moved the rules be suspended and Substitute Senate Bill No. 3118 be returned to second reading.

Debate ensued.

There being no objection, on motion of Senator Lysen, the motion was withdrawn.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3118.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3118 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Hurley, Lysen, McDermott, Moore, Pullen, Shinpoch, Wilson—7.

SUBSTITUTE SENATE BILL NO. 3118, 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.

THIRD READING

ENGROSSED SENATE BILL NO. 3871, by Senators Benitz, Patterson and Guess:

Facilitating construction of a toll bridge at north Richland.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 3871.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3871 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Charnley, Fleming, Gaspard, McDermott, Ridder, Talmadge, Williams—7.

Absent or not voting: Senator Moore—1.

ENGROSSED SENATE BILL NO. 3871, 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.

During the roll call on Engrossed Senate Bill No. 3871, Senator Moore attempted to interrupt the roll call but was informed by the President that was not allowed. Subsequently, the following explanation was ordered placed in the Journal.

EXPLANATION OF FAILURE TO VOTE

Mr. President: Fellow Senators, I respectfully request to be excused from the Senate when we vote on Engrossed Senate Bill No. 3871. I stand to possibly materially gain as a result of voting on this legislation. With the permission of the body, I shall leave the floor during the vote on Engrossed Senate Bill No. 3871 (the North Richland Toll Bridge). Thank you all.

Signed: Senator Ray Moore.

PERSONAL PRIVILEGE

Senator Moore: "Mr. President, I did endeavor to get the floor before the roll call started and I would still like to give everyone knowledge of why I did not vote on this issue."

President Cherberg: "The Senator wishes to speak upon a point of personal privilege?"

Senator Moore: "I guess I have just spoken on a point of personal privilege. Thank you."

THIRD READING

SUBSTITUTE SENATE BILL NO. 4315, by Committee on Energy and Utilities (originally sponsored by Senators Quigg, McCaslin, Fuller, Newhouse, Gould and Bluechel):

Extending powers of joint operating agencies.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, last night there were questions raised on the legality and what the possibilities were that a lawsuit, if this bill were to be passed, where they had, or they required only eighty percent approval. Do you have any . . . ?"

Senator Bottiger: "Well, Senator, Senator Quigg has advised me and I very candidly and between the time we adjourned at 5 last night until now, I have not had a chance to check it. Senator Quigg advises me that that is the current participants' agreement that eighty percent can sell. That being the case, I wonder why we need the bill? If the participants have an agreement, a signed agreement, I would presume the agreement would control.

"I am concerned, and I continue to be concerned about the question of the sale for less than value and who picks up the outstanding debt. It might be Tacoma City Light pays, picks up their share if the plant is sold for less than what is owed on it."

POINT OF INQUIRY

Senator Goltz: "Senator Quigg, I have one question about how the sale of a nuclear plant might affect the future rates caused by the sale and I would like to use as the analogy, the problem that the nursing home industry presented to the state of Washington when a sale of a nursing home went from, let us say, one million dollars to two million dollars, and under the rate structure, we were obligated to pay the second nursing home owner for the inflated price of a nursing home.

"If the WPPSS plants are sold at an inflated price, what protection does the public have that these would be arms length sales, and that you simply do not sell to, one consortium selling to another for purposes of boosting the rate base?"

Senator Quigg: "In answer to Senator Goltz' question, Senator, the . . . in this state we have a utility and transportation commission that is involved in the regulation of those utility rates, and so the case would have to be made that that rate increase was justified and as Senator Lysen has pointed out, somebody would, of course, have to have a willing buyer, say a willing buyer. I would assume we have some willing sellers around right now already, just by the remarks that are made here on the Senate Floor.

"But the matter of what those rates would be, would be dependent on the decision, at least in this state, of the utilities and transportation commission, and whether they felt that the price was determined at an arms length basis, I imagine would be a determination to be made by that commission."

Senator Goltz: "Is there any protection built into this law or any other law, that would require the utilities and transportation commission to investigate whether or not an arms length transaction has taken place? You see, the problem that I fear is, that unless you have that kind of protection built in some place, one consortium can

sell to another consortium. It is like the few horrible examples in the nursing home industry where one group of officers sold to themselves as another group of officers and thereby inflated the base; and you are correct if utility and transportation commission has to pay a fair rate based upon those costs. And I want those costs to be under control."

Senator Quigg: "I guess that is really the point of the bill, Senator Goltz. It presently appears under the, at least up until recent times, the management team there has had those costs not under control and I think the spotlight that we have been able to shine on this and the investigation that has been done into the Supply System would be followed up by the utilities and transportation commission and by the parties to any rate increases that would come about due to a . . ."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Lysen, I really have some apprehensions about the turkey situation, too, and we heard about horsefeathers last night also. I would like to ask Senator Lysen about hell-and-high-water bonds and how they influence the sale."

POINT OF ORDER

Senator Clarke: "I think this is obviously an attempt to circumvent the rule as to time and I raise the point of order."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's point of order is well taken."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4315.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4315 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, von Reichbauer, Woody, Zimmerman—30.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Lysen, McDermott, Metcalf, Moore, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—19.

SUBSTITUTE SENATE BILL NO. 4315, 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

At 1:05 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Bottiger, the Senate commenced consideration of Substitute Senate Bill No. 4360.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4360, by Committee on Education (originally sponsored by Senator Hayner):

Relating to nonhigh school districts.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, I do have a nonhigh district in the district I represent and I have one question that I know I am going to be asked this when I go home. If the levy, now I notice the bill amends the ten percent excess levy. If the levy that is requested from the voters of Carbanado school district exceeds the 110%, or for that matter for any reason they vote it down, how does the Carbonado school district pay to the adjoining school district, the amount required under this bill?"

Senator Hayner: "Senator Bottiger, I think that would have to be negotiated between the high and nonhigh school districts. Presently if they do not have sufficient money, they are going to have to take it out of some of the monies that they have and that is one of the problems that exists.

"I think this situation will correct it; I am not sure exactly what happens if their levy fails totally."

Senator Bottiger: "Perhaps then, Senator McCaslin would yield to a question?"

President Cherberg: "Senator McCaslin would yield to a question?"

Senator Bottiger: "Senator Kiskaddon, excuse me, I am sorry. Normally if I have five hours of sleep I can just about do anything, but with three it is getting hard.

"Senator Kiskaddon, in the committee this question came up, and obviously I am asking it for the record so I can show people what the circumstance was; but as I understand it, if the levy fails, then the school district goes into automatic consolidation?"

Senator Kiskaddon: "I am not sure of the answer to that question."

Senator Bottiger: "Senator Gaspard here? Senator Bauer, could you help me on this and the record? Under this bill, if the excess levy fails, in order to pay the tuition from the nonhigh district to the high school district, is there then an automatic consolidation of the nonhigh district?"

"I am not finding anybody that can answer that; it was brought up in testimony . . ."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Senator Bottiger, I do not believe there is anything in this particular bill that addresses that."

POINT OF INQUIRY

Senator Wilson: "Senator Hayner, I am very sympathetic to this bill and I applaud your efforts to make life a little easier for nonhigh districts. The point that Senator Bottiger has raised concerns me a bit. My question is, is there anything in this bill which, in any way, enhances the prospect of a nonhigh district becoming involuntarily consolidated with some adjoining district?"

Senator Hayner: "There is nothing in this bill that addresses that."

Further debate ensued.

MOTION

On motion of Senator Fleming, Substitute Senate Bill No. 4360 will be considered following Senate Bill No. 3704.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3602, by Committee on Commerce and Labor (originally sponsored by Senators Vognild and Newhouse):

Establishing industrial insurance benefit payment requirements for self-insurers.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3602.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3602 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Vognild, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Fleming, Moore, Rasmussen, Ridder, Talmadge, von Reichbauer, Williams, Wojahn—8.

Absent or not voting: Senators Kiskaddon, Lysen, Talley—3.

SUBSTITUTE SENATE BILL NO. 3602, 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 Ridder, Senator Talley was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3704, by Judiciary Committee (originally sponsored by Senator Rasmussen):

Relating to state government.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Scott: "I think the Senator's remarks rather sweeping and should be confined to the subject matter at hand."

RULING BY THE PRESIDENT

President Cherberg: "The bill is on final passage, Senator Scott."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3704.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3704 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Woody, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—21.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3704, 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 Clarke, Substitute Senate Bill No. 4360 will be considered following Senate Bill No. 4078.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3640, by Judiciary Committee (originally sponsored by Senators Hayner, Rasmussen, Newhouse, Jones, Talley and Benitz (by Attorney General request):

Granting the attorney general authority to investigate and prosecute crimes of public corruption.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Now that is impugning a motive as clearly as I have ever heard it done on the floor of the Senate and I object."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3640.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3640 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Excused: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 3640, 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.

THIRD READING

ENGROSSED SENATE BILL NO. 3565, by Senators Quigg, Fleming and Peterson:

Modifying requirements for harbor area leases.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3565.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3565 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators McDermott, Ridder, Sellar—3.

Excused: Senator Talley—1.

ENGROSSED SENATE BILL NO. 3565, 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.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4078, by Committee on Ways and Means (originally sponsored by Senators Scott, Jones, Hayner and Craswell) (by Governor Spellman request):

Establishing a budget stabilization account.

MOTION

On motion of Senator Ridder, Senator Woody was excused.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4078 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—43.

Voting nay: Senators Conner, Goltz, Hughes, Ridder, Talley—5.

Excused: Senator Woody—1.

SUBSTITUTE SENATE BILL NO. 4078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title for the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4360, by Committee on Education (originally sponsored by Senator Hayner):

Relating to nonhigh school districts.

The Senate resumed consideration of Substitute Senate Bill No. 4360 from earlier today.

REMARKS BY SENATOR HAYNER

Senator Hayner: "Ladies and gentlemen of the Senate, I now have the answer to the question that was asked by Senator Bottiger and Senator Wilson.

"This bill, as I mentioned, has nothing to do at all with the problem of consolidation. It only has to do with operation and maintenance and the payments between nonhigh and high school districts. As far as consolidation is concerned, I am told that that is under the control of the board of education, not the SPI but the board of education, and they have a great many criteria that they examine whenever there is a problem in a district to determine whether finally that consolidation should take place."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, may I ask that was a response to a question and I ask that it be in the journal, because I intend to vote for the bill and I just want to make sure that I have an answer to the questions that may be raised."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 4360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4360 and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—43.

Voting nay: Senators Fleming, Moore, Shinpoch, Talmadge, Williams, Wojahn—6.

SUBSTITUTE SENATE BILL NO. 4360, 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.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4182, by Committee on Energy and Utilities (originally sponsored by Senator Gould):

Relating to nuclear wastes.

PARLIAMENTARY INQUIRY

Senator McDermott: "Last night when we were working on this bill from eleven o'clock to two o'clock, two points of parliamentary inquiry were raised, I think one by Senator Wilson and one by myself. I would appreciate your giving us your opinion on those points of parliamentary inquiry before we vote on this bill."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you. The President finds that initiative 383, section 6, provides for the state of Washington to enter into an interstate compact to provide for the regional storage of low level radioactive waste. It is unclear to the President whether regional storage of waste would preclude storage of out-of-region waste within the region.

"Substitute Senate Bill No. 4182 is the enabling legislation through which the state of Washington may enter into an interstate compact for the storage of low level radioactive waste. The compact does provide for the storage of out-of-region wastes within the region in specific instances.

"The President finds that because of the language of initiative 383, section 6, is ambiguous as to the meaning of the words 'regional storage of waste,' that Substitute Senate Bill No. 4182 does not clearly amend initiative 383 and that therefore only a majority of a vote is needed for passage."

POINT OF ORDER

Senator Rasmussen: "Mr. President, in the dark of the night last night, about sometime two or three o'clock in the morning, I do not recall when, I thought there was an amendment adopted to this bill; and I have been trying to find that amendment to refresh my memory as to what the amendment was. Could you, there were two amendments? I am informed there were two amendments. I do not find them in my book."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen has raised a point about the possible amendments. Senator Guess."

Senator Guess: "Mr. President, I believe that there was an amendment that was put on the bill by Senator Goltz and Senator Gould. It had to do with the portion outside of the compact. It was in the statutory portion of the bill."

Senator Rasmussen: "I would like to see it, before we go on final passage."

POINT OF ORDER

Senator Rasmussen: "Has the bill been placed on third reading?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

Senator Rasmussen: "Have the rules been suspended concerning the reading?"

President Cherberg: "It is on third reading, Senator, and final passage."

Senator Rasmussen: "I understand it, Mr. President, rule 70 provides 'Bills on third reading shall be read in full by sections, and no amendment shall be entertained.' And I have not heard the reading in full, by sections, Mr. President; that is why I am raising that point of order. I think that this bill was debated in the dark of the night, half of the people were asleep, and I think it should be read in full at this time so we may become fully acquainted with that is in the bill. There are many, many, many questions raised by the debate last night as to the action of other states; they were not settled by any means, they were voted up or down, some amendments were adopted, some reduced; but I think this is an important bill for the people of the state to know fully what is in the bill, they voted 75% overwhelmingly for some type of control over nuclear waste.

"So that is why I am raising the question now, if the rule has been suspended."

President Cherberg: "The rule has not been suspended, Senator Rasmussen."

MOTION

Senator Clarke moved the rules be suspended and the Secretary read the last line of Engrossed Substitute Senate Bill No. 4182.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the rules be suspended and the Secretary read the last line of Engrossed Substitute Senate Bill No. 4182.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 41; nays, 6; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Fleming, Hughes, McDermott, Rasmussen, Ridder, Williams—6.

Absent or not voting: Senators Conner, Vognild—2.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Gould, I am at a loss to understand why you feel that this state can be overridden in having to accept waste and yet at the same time, you tell me that the state of Nevada may be closed because the governor will say that is shall be."

Senator Gould: "If we accept any radioactive waste at all we have to accept all that comes to us. We either close down completely or we do not accept anything."

Senator Ridder: "Under 383, what would be the effect, we have indicated that if there is not a compact by July first, we are closed to out-of-state waste."

Senator Gould: "With exception of medical waste which is the majority of waste that comes to us."

Senator Ridder: "I see, and you feel that that leaves a sufficient gap that we are not protected?"

Senator Gould: "I think that and the fact that 383, I do not think will be held up in court, would both provide that we are not protected without the restrictions of this compact."

Senator Ridder: "Would you feel that our governor would be able to issue such a mandate as proposed in Nevada?"

Senator Gould: "Yes, now under current circumstances, yes; but we could not accept any waste at all."

Senator Ridder: "Thank you."

Senator Gould: "If I may add to that, the governor did do that, previous Governor Ray did do that for a short time a year or two ago."

POINT OF INQUIRY

Senator Hurley: "Senator Gould, I am interested in the compact, too, and I do intend to support it. But when you said we would be on the way to excluding waste from out of the region, it is a little unclear to me that both Alaska and Hawaii could be included in the word 'region.' I think when the people voted for 383, they had no idea that our region would be anything but the contiguous western states and it is a

little unclear to me and maybe it has been explained but I just still do not understand it."

Senator Gould: "The region as identified in the compact includes Washington, Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Wyoming.

"Out-of-region waste could only be accepted, under the compact, if two-thirds of the members of the region participating states, including the host state, accepted it. That is the only way you could do it."

Senator Hurley: "I did understand that, but I meant in the spirit of 383, how Alaska and Hawaii could be included in the region."

Senator Gould: "I guess you, perhaps, interpret it differently than I, what the spirit was."

Further debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Gould, I notice, in reading the summary here, it says 'The party states may impose fees on waste generators and shippers to cover the cost of the requirements in the section above.' Could you give me an idea what the amount of dollars might be involved and where those dollars would go?"

Senator Gould: "I could not give you that amount but the fees would be used to cover the cost of maintaining and operating the Hanford site as well as any related costs to that, so they would completely cover that."

Senator Vognild: "That would then perhaps be a revolving and nonappropriated fund?"

Senator Gould: "Yes, in my mind, it would be separate than anything from the general budget."

Further debate ensued.

MOTION

At 3:25 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 3:41 p.m.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4182.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 4182 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21 absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Woody, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—21.

Absent or not voting: Senator Gallagher—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4182, 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

Senator Vognild moved the Senate return to the sixth order of business.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the Senate return to the sixth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Tamadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4087, by Committee on Agriculture (originally sponsored by Senator Benitz):

Relating to cloud seeding.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4087 and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wilson, Woody, Zimmerman—36.

Voting nay: Senators Charnley, Fleming, Gaspard, Goltz, Hurley, McDermott, Moore, Rasmussen, Ridder, Talmadge, Vognild, Williams, Wojahn—13.

SUBSTITUTE SENATE BILL NO. 4087, having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3580, by Senators Guess and Hansen:

Excluding from disclosure certain information relating to bids.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3580 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Woody, Zimmerman—30.

Voting nay: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—19.

ENGROSSED SENATE BILL NO. 3580, 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.

THIRD READING

SENATE BILL NO. 3776, by Senators von Reichbauer, Gallagher, Conner and Guess (by Department of Licensing request):

Revising procedures for issuance of vehicle trip permits.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3776.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3776 and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Zimmerman—31.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Talmadge, Williams, Wilson, Wojahn, Woody—18.

SENATE BILL NO. 3776, 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.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3844, by Committee on Constitutions and Elections (originally sponsored by Senators Craswell, Goltz and Metcalf):

Prohibiting legislators from accepting campaign contributions during the legislative session.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I was very much interested in your remarks that the way to evade this law was to have the caucus hold a fund raiser and then turn the money over to the individual. I would hope that you could explain two or three more ways, not myself ever having a fund raiser, I heard that there was a 'welcome back' party or 'welcome into' party for certain new recruits to the Republican party the other night here in Olympia, during the session, and apparently that must be perfectly legal; and there was quite a lot of money raised because there were certain campaigns that were going to be coming on here in the future.

"It was always my understanding and maybe somebody would correct me, I realize that after working through the dark of the night, because some people

wanted to push certain legislation through, it is a little difficult to comprehend. But it was always my understanding that when you did raise funds, you had a continuing committee, you were a legislator that you had to file with the public disclosure commission; you also had to file the date, the time that you received the money and the amount you received from the individuals.

"I believe in the public disclosure law and have been voting for it all the time, strengthening it when we had the opportunity. Now we have something that says the public disclosure law is not working. I agree it is not working, when they can have 'welcome back' parties and dump a lot of money into a person's campaign; not alone have one party, have several parties and of course these welcome back parties were welcoming somebody into the party that had never been in the party before. That is strange, strange doings, Senator Bottiger, is that what you had in mind when you mention ways that this can be evaded?"

Senator Bottiger: "Senator, only one a session."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3844.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3844 and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Woody, Zimmerman—34.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hansen, Hurley, Moore, Peterson, Rasmussen, Ridder, Vognild, Williams, Wojahn—15.

SUBSTITUTE SENATE BILL NO. 3844, 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.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3777, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Gallagher, Conner and Guess)(by Department of Licensing request):

Establishing appeal and collection procedures for proportionally licensed vehicles.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3777.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3777 and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Conner, Fleming, Hughes, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Williams, Wojahn—11.

SUBSTITUTE SENATE BILL NO. 3777, 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.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3778, by Committee on Transportation (originally sponsored by Senators von Reichbauer, Gallagher, Conner and Guess)(by Department of Licensing request):

Revising proportional vehicle licensing laws.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3778.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3778 and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Zimmerman—34.

Voting nay: Senators Bottiger, Conner, Fleming, Goltz, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—15.

SUBSTITUTE SENATE BILL NO. 3778, 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.

THIRD READING

ENGROSSED SENATE BILL NO. 4348, by Senators Sellar, Clarke and Bauer (by Department of General Administration request):

Establishing revolving funds for the division of banking and the division of savings and loan associations.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4348.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4348 and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Talley, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED SENATE BILL NO. 4348, 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.

MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3522.

SECOND READING

SENATE BILL NO. 3522, by Senators Hansen, Deccio, Gaspard, Talley, Fuller, Sellar, Bauer, Wilson and Benitz:

Providing for the preservation of agricultural lands.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3522 was substitute for Senate Bill No. 3522 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Benitz, the following amendments by Senators Benitz and Hansen were considered and adopted simultaneously:

On page 2, line 10, after "bushes," insert: "deciduous fruit and nut bearing".

On page 3, line 6, after "bushes," insert: "deciduous fruit and nut bearing".

MOTIONS

On motion of Senator Metcalf, an amendment to page 3, line 10 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute Senate Bill No. 3522, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I would ask Senator Benitz but he always refuses to answer when I am trying to find out what is in a law and I know it is not lack of knowledge, it is that he does not want to impart his knowledge to the rest of us. You are much better.

"Senator Benitz spoke that there was going to be a slight tax shift. We have participated in some of those 'slight tax shifts' before and they amounted to quite a bit of money that the rest of us taxpayers had to pick up. How much money is this tax shift, and I will give you the other question while you are getting your figures out. I understand that they amended out the trees. The one amendment that was adopted here."

Senator Hansen: "No, it did not amend out, it added, it added fruit trees that are edible fruit so the pine trees in your back yard would not qualify."

Senator Rasmussen: "Well, that is my question. Why aren't those presently exempted under the agricultural act rather than the open space, and then explain the fact . . ."

Senator Hansen: "The reason that they are not, when they passed the open spaces, that was the intent; but the county assessors have devised a method of valuing the land at a certain price and then adding the trees to it as an amenity, so what we are doing now is saying that the trees are part of the land and so you go into current use taxation or pay what that land will stand to bear with the crops, the percentage of profit you make on that land as your tax base. As it is now, they add the trees as an amenity to that land which raises the tax on current use, the other one is above on two amenities and it is allowing the metropolitan areas or developers

to come out and purchase those orchards, cut them down, and put housing developments in, and this just allows the farmer to call it all current use taxation and when he ties it up, he has tied it up for ten years and he has to give three years' notice before he can take it out and if he takes it out at any other time, he has to go back and pick up the tax break that he's got up to that time. So . . ."

Senator Rasmussen: "Have you cleared this with Senator Wilson, are local people in favor of assuming that increase tax load?"

Senator Hansen: "Yes, it is going to be very little tax shift."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Hansen, this applies not just to urban areas, this applies to farm lands throughout the state. Somewhere a mention was made that this is to take off the urban pressure and I guess I need to know whether we are taking off the urban pressure around Moses Lake, or whether we are taking off the urban pressure around Tacoma."

Senator Hansen: "Yes, we need urban pressure taken off from Moses Lake, we need it taken off around Yakima, we need it taken off around Ellensburg. And the main thing that I have heard since I have been in this legislature, is the preservation of agricultural land.

"Now if you want to get rid of them as fast as possible, you continue the route we are going so a farmer cannot make a living because his land lays up against a city and so you raise that tax base at what it would take to, the developers would pay for, it has to go to development pretty fast."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3522 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Fleming, Goltz, Lysen, McDermott, Rasmussen, Ridder, Shinpoch, Williams—8.

Absent or not voting: Senator Newhouse—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3610, by Senators Wojahn, Jones, Vognild, Deccio, Hemstad, Williams, Quigg, Hurley and Newhouse:

Authorizing a class L liquor license for nonprofit arts organizations.

REPORT OF STANDING COMMITTEE

March 23, 1981.

SENATE BILL NO. 3610, authorizing a class L liquor license for nonprofit arts organizations (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass with the following amendment:

Page 1, line 9, after "nature" strike "." insert "in a specific theater or other appropriate designated indoor premises approved by the board."

Signed by: Senators J. T. Quigg, Chairman; Hurley, Jones, Vognild, Williams.

The bill was read the second time by sections.

Senator Jones moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, is this the one where you can drink booze while viewing art so it makes it more palatable?"

Senator Quigg: "Maybe. It is sort of a judgment call, Senator, and I'll bet you are good at those."

Debate ensued.

The motion by Senator Jones carried and the committee amendment was adopted.

Senator Wojahn spoke to the bill but failed to suspend the rules and advance the bill to third reading and final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, you all recall the problems they have had over at the domed stadium with liquor and the problems that people have taking their children in there, and the problems they have in keeping the liquor from flowing down their necks when people stumble over them, carrying their glass of beer.

"Do you visualize that this same thing is going to happen at serious performances? It was not my understanding that this bill was going to be concerned with live performances, it was going to be concerned more with getting people in to art shows. And do you visualize any problems at all, with liquor being served when there are children around, you take the children frequently to the theatre, and so forth?"

Senator Wojahn: "I certainly do not; in the first place at the Kingdome it is entirely different proposition that is being handled there, and this is simply on scheduled nights of performances, a specific play for instance, could provide liquor during intermission. And I do not believe that people that go to the arts, especially when they are dressed up, are going to go around slopping liquor over one another; I do not think there is any problem here at all and I think the bill has some merit, has lots of merit and is serious.

"I do not think the average child attends an evening performance at a little theatre group, particularly. It will be confined to a certain area and I see no problem with it or I would not have sponsored it. It is something that the Pantages will use when it is established in Tacoma; it is something the little theatre in Tacoma wants; it is something that the new arts group wants; it provides theatres at St. Leo's church. I think (it is no longer a church, it is now an art center). I see no problem with it and I do not know what the question is."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3610 and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Guess, Hayner, Lee, McCaslin, Metcalf, Pullen, Rasmussen, von Reichbauer—8.

ENGROSSED SENATE BILL NO. 3610, 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

Senator Deccio moved the rules be suspended, Engrossed Senate Bill No. 3610 be advanced to third reading, the second reading considered the third, and the bill placed on final passage.

POINT OF ORDER

Senator Rasmussen: "I know, Mr. President, that most of us realize that we have to reconsider the vote, get ourself back in the original position, and then make the proper motion. As I read, there is no way we can handle this bill at the present time unless we reconsider the vote by which it passed, then put it back where we can move it up to third reading and final passage. I raise that point of order, Mr. President, knowing that Senator Deccio is new over here and they may work like that in the House but I do not think the Senate does that."

PARLIAMENTARY INQUIRY

Senator Woody: "Mr. President, would it not be possible to (1) move to suspend the rules to move the bill from second and third reading to final passage and also suspend the rules and consider the roll call vote, previous roll call vote on this bill, on final passage as a final passage vote on this bill?"

REPLY BY THE PRESIDENT

President Cherberg: "No, Senator. Senator Deccio."

Senator Deccio: "Mr. President, I believe that my motion was that, I moved that the rules be suspended and that the bill be moved from second to third reading and final passage."

President Cherberg: "Actually, members of the Senate, Senator, the President believes that everything from the second reading on, every action taken is moot, and just go back and start over."

Senator Rasmussen: "Mr. President, I could not make the motion because I did not vote on the prevailing side, it would take somebody that voted on the prevailing side to move to reconsider. . ."

Senator Bottiger: "Mr. President, I believe the President has already ruled on that question and the motion before the Senate is Senator Deccio's motion."

President Cherberg: "The question before the Senate is a motion by Senator Deccio that the rules be suspended, Senate Bill 3610 be advanced to third reading, the second reading considered the third and the bill be placed on final passage. If there is no objection . . . All those in favor will say 'aye;' and those opposed say 'no.' The motion is carried, Senator."

Senator Rasmussen: "I think Mr. President, that the Constitution would enter into . . ."

President Cherberg: "The President does not rule on Constitutional matters. The measure is on final passage. Senator Pullen."

Senator Pullen: "Just real quick, I wanted to indicate, although it is a common misconception, there is nothing in the Constitution that says we have to read a bill three times."

President Cherberg: "The secretary will please call the roll on the final passage of Senate Bill 3610."

With a vote of 41 ayes, and 8 nays, the bill was declared passed.

Senator Clarke: "I move that the Senate do now consider Senate Bill 3890, page 43 on the pink calendar; and I also have another motion to follow that."

POINT OF ORDER

Senator Rasmussen: ". . . to suspend the rules will still show in the record that the bill was improperly handled and was passed without second, being moved to second reading. The record may not be expunged from that My question, I guess is, the record is not expunged"

RULING BY THE PRESIDENT

President Cherberg: "Senator, the secretary advises that the records will show the proceedings as they occur."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3610.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3610 and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Guess, Hayner, Lee, McCaslin, Metcalf, Pullen, Rasmussen, von Reichbauer—8.

ENGROSSED SENATE BILL NO. 3610, 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 Clarke, Senate Bill No. 3360 was made a special order of business for 4:58 p.m. today.

SECOND READING

SENATE BILL NO. 3890, by Senators Jones, Moore and Hemstad:
Modifying provisions on commercial paper.

MOTIONS

On motion of Senator Hemstad, Substitute Senate Bill No. 3890 was substituted for Senate Bill No. 3890 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the rules were suspended, Substitute Senate Bill No. 3890 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Lysen served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 3640 passed the Senate earlier today.

POINT OF ORDER

Senator Rasmussen: "Wouldn't it appear to the President that Senator Clarke is trying to evade the concurrent rules which provide for a cutoff at 5 o'clock p.m. on April second? I raise that question because he just placed one bill that has always been the President's ruling in the past, that the particular bill that you are working on at the cutoff time, would be permitted to go to conclusion? And it would now appear that Senator Clarke is trying to evade the rule by putting numerous bills on and I frankly find that out of character for Senator Clarke. He has not been that type of a person. He is the kind of a man I would trust with my pocketbook any place. What I am not so sure, are his motives at this time.

"Would the chair rule on . . .?"

RULING BY THE PRESIDENT

President Cherberg: "The President, in the past, and this is strictly from memory, Senator Rasmussen; if a bill is made a special order of business, at say 4:58, that if the Senate had under consideration another bill and that bill progressed past, still being considered past 5 o'clock, the President would permit the consideration of the one bill, if it is special order of business at 4:58. That has been the custom in the past, as the President recalls."

Senator Rasmussen: "You would not permit bringing up a new bill, then, after 5 o'clock?"

President Cherberg: "The President has permitted the one special order of business following 5 o'clock."

PARLIAMENTARY INQUIRY

Senator Shinpooh: "Mr. President, I am somewhat confused. If I remember correctly, we have a special order of business at 4:58; there is a motion for another special order of business at 4:59. If we take up the bill that is on special order of business at 4:58 and that runs past 5 o'clock, will the 4:59 still be allowed?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator, the President and the very capable Secretary have conferred on this matter. Technically, Senate Bill No. 3360 was under consideration prior to 5 o'clock, and in the past, consideration of this, if it ran past 5 o'clock, the special order of business would still be permitted after 5 o'clock.

"In other words, 3360 be considered, acted upon, and then the special order of business after that."

POINT OF ORDER

Senator Rasmussen: "The President, Senator Clarke made a motion. The President did not place that motion because I raised the point of order at that time.

"I would call the President's attention to the fact that it is now two minutes past 5 o'clock, the motion has not been placed, so I think it would become moot. The motion that is pending has no effect on the cutoff."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3890.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3890 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Conner, Rasmussen—2.

Absent or not voting: Senators Deccio, McDermott—2.

SUBSTITUTE SENATE BILL NO. 3890, 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.

SPECIAL ORDER OF BUSINESS

The time having arrived the Senate commenced consideration of Senate Bill No. 3360.

SECOND READING

SENATE BILL NO. 3360, by Senators Patterson, Charnley and Zimmerman: Providing for parks and recreation service areas.

MOTIONS

On motion of Senator Fuller, Substitute Senate Bill No. 3360 was substituted for Senate Bill No. 3360 and the substitute bill was placed on second reading and read the second time in full.

POINT OF ORDER

Senator Rasmussen: "My point of order, Mr. President, is a motion was never put to place this bill before the body. It was, Senator Clarke raised a question, I raise a point of order, five o'clock, now five after five, and it was never placed, the motion was never placed, it was something like that bill; that bill that got passed to third reading without even a motion."

REPLY BY THE PRESIDENT

President Cherberg: "The records show, Senator Rasmussen, that Senate Bill 3360 was made a special order of business for 4:58."

Senator Rasmussen: "That was the 4:58 one; then we passed the 4:59 one. I am a little confused on the time . . ."

President Cherberg: "Four fifty-nine was never placed, Senator."

Senator Rasmussen: "The 4:59 was never placed?"

President Cherberg: "The reason was because the President believes that certain members were trying to create disorder and impede business."

Senator Rasmussen: "That is why it was never placed?"

President Cherberg: "Yes."

Senator Rasmussen: "Thank you, Mr. President."

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

REPORTS OF STANDING COMMITTEES

April 1, 1981.

HOUSE BILL NO. 86, updating the Model Traffic Ordinance (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Kiskaddon, Vognild.
Passed to Committee on Rules for second reading.

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 88, legalizing DMSO for therapeutic use (reported by Committee on Social and Health Services):

Recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1981.

HOUSE BILL NO. 120, removing the state-aid to probation counselors program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 157, requiring local governments and state agencies to pay interest on delinquent contract payments (reported by Committee on Commerce and Labor):

Recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 219, regulating transactions between artists and art dealers (reported by Committee on Commerce and Labor):

Recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 250, exempting contractors employing subcontractors from industrial insurance requirements (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 290, increasing the responsibilities for personnel of the board of trustees for the state school for the deaf (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

April 1, 1981.

HOUSE BILL NO. 319, revising laws relating to life sustaining procedures (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon; McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

April 1, 1981.

ENGROSSED HOUSE BILL NO. 334, permitting donations of pacemakers under the uniform anatomical gift act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 399, giving the secretary of social and health services the power to manage the McNeil Island penal facility (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 1, 1981.

SAM KINVILLE, to the position of Director of the Department of Labor and Industries, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding James T. Hughes (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules.

April 1, 1981.

RICHARD T. SCHROCK, to the position of Director of the Department of Commerce and Economic Development, appointed by the Governor on March 2, 1981 for the term ending at the pleasure of the Governor, succeeding Robert C. Anderson (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3360, by Committee on Parks and Ecology (originally sponsored by Senators Patterson, Charnley and Zimmerman):

Providing for park and recreation service areas.

The Senate resumed consideration of Substitute Senate Bill No. 3360 from earlier today.

Senator Hurley moved adoption of the following amendment:

On page 14, after line 8, insert a new section as follows:

Sec. 21. Section 46.08.180, chapter 12, Laws of 1961 as amended by section 7, chapter 120, Laws of 1967 and RCW 43.51.680 are each amended to read as follows:

For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission (~~((after agreement with the Washington state highway commission;))~~) shall establish reasonable regulations for the use and control of vehicular traffic and horses on and along the ocean beach highways as designated and established under RCW 79.16.130, 79.16.160, and 79.16.170: PROVIDED, That the commission shall by regulation prohibit vehicular traffic and horses, other than authorized emergency and public service vehicles, on at least eighteen miles of such highways. The Washington state parks and recreation commission shall cooperate with city police, county sheriffs, and state patrol in enforcing such ~~((traffic))~~ regulations ~~((: PROVIDED, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries) to prohibit driving over clam beds)).~~

Renumber the sections consecutively.

POINT OF INQUIRY

Senator Pullen: "Senator Hurley, your amendment refers to ocean beach highways as designated and established under various parts of RCW 79.16. I do not have the RCWs in front of me. Can you give me an idea of what the definition of 'ocean beach highways' is?"

Senator Hurley: "Yes, years and years ago when there weren't any very good highways in this state, the ocean beaches were designated as highways, mainly by, I think, a Senator that was on the floor of this Senate; and I would really like to eliminate that, Senator Pullen, but in order to eliminate that in my amendment, it would have had to a number of pages long, so that word 'highways' does not change the designation. I would like to change it to 'recreation areas' and I think you would, too."

Senator Pullen: "One final question . . ."

Senator Hurley: "I was just going to say it is because that exists in the law and we decided we could preserve eighteen miles of the beach and still call them 'highways'."

Senator Pullen: "Could you tell me, we are talking only about public beaches, or would there be any private property included under your amendment?"

Senator Hurley: "No. No private property included at all, it is all public ocean beach."

POINT OF INQUIRY

Senator Haley: "Senator Hurley, how did the number 'eighteen' happen to be chosen? Is that some special number better than 'twelve' or 'fifteen' or 'twenty' or . . .?"

Senator Hurley: "Yes, thank you. It is a special number. A number of years ago, the parks department established 11.5 miles and they made rules and regulations that were adhered to for a long time, and then it was brought to court and the court said that they did not have legislative authority to establish this 11.5 miles; and so various bills that I have brought before the house, and in the bill that I asked staff to work on last summer, I said I want to make it extremely reasonable; I just want to preserve some beach for kids because beaches are so dangerous for kids in the state of Washington. And so I said, 'Let's not establish any more than we have to' and this relates, as I said, mainly to areas, there is one area, Ledbetter Point, and that has been preserved as a refuge, a refuge for birds and things like this. And that is designated as part of this beach.

"There is another down south of Fort Canby and the land is bad to drive on but people can walk on it and we thought, 'Well, we'll preserve that.'

"There are other places that the department knows very well I have designated for safe access for pedestrians, and they are mainly in five- and six-mile areas, just near the ocean beaches, I guess near the Ocean Beach state park.

"And that is why we established only eighteen point miles. I thought in establishing only eighteen out of eighty, could I eliminate some of the objections that I presume I am going to get; and I cannot understand that objection."

Debate ensued.

Senator Talley moved the amendment by Senator Hurley be laid upon the table.

Senator Hurley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Talley that the amendment by Senator Hurley be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Talley carried by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, Talley, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Pullen, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

The amendment by Senator Hurley was laid upon the table.

On motion of Senator Fuller, the rules were suspended, Substitute Senate Bill No. 3360 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3360 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Bottiger, Lysen, Ridder, Williams, Wilson—5.

SUBSTITUTE SENATE BILL NO. 3360, 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

At 5:31 p.m., on motion of Senator Hayner, the Senate adjourned until 9:00 a.m., Saturday, April 4, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 4, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lysen.

The Color Guard, consisting of Pages Sari Gunter and Brock Williams, presented the Colors. Reverend Richard Hart, Senior Pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 3, 1981.

SENATE BILL NO. 3636, adopting the budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3636 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Bauer, Fleming, Gaspard, Hughes, McDermott, Ridder, Wojahn.

MOTION

On motion of Senator Clarke, the rules were suspended and Senate Bill No. 3636 was placed at the beginning of the second reading calendar for today.

REPORTS OF STANDING COMMITTEES

March 30, 1981.

HOUSE BILL NO. 227, permitting heavier loads on certain highways by special permit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Kiskaddon, Metcalf.

Passed to Committee on Rules for second reading.

April 2, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 624, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

MOTION

On motion of Senator Clarke, the rules were suspended and Engrossed Second Substitute House Bill No. 624 was ordered placed on the second reading calendar for today immediately following Senate Bill No. 3636.

GUBERNATORIAL APPOINTMENTS

April 2, 1981.

JOE A. TALLER, to the position of Director of the Office of Financial Management, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding M. Lyle Jacobsen (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules.

April 2, 1981.

ROBERT LEE HOLLISTER, JR., to the position of Director of the Department of Retirement Systems, reappointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules.

April 2, 1981.

GLENN R. PASCALL, to the position of Director of the Department of Revenue, appointed by the Governor on January 14, 1981 for the term ending at the pleasure of the Governor, succeeding Charles W. Hodde (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules.

April 2, 1981.

CHARLES C. STIDHAM, to the position of Member of the Board of Tax Appeals, appointed by the Governor on March 10, 1981 for the term ending March 1, 1987, succeeding Joan Thomas (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules.

MOTION

At 9:13 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President declared the Senate to be in order at 10:32 a.m.

PERSONAL PRIVILEGE

Senator Haley: "Mr. President, members of the Senate. From time to time, a person may allow something, meant to be a joke and not meant to hurt anybody, in

a moment of lack of due consideration, allow something to get out that does hurt somebody, why I think a public apology is in order.

"In the spirit of fun and exuberance, when a matter does offend somebody and it must be considered an indiscretion and that is certainly the situation at this time. And so I hope that those, and I know that there are many, who were offended, will at this time, take this public apology in the manner in which it is offered. Thank you."

MOTION

Senator Clarke moved the Senate do now resolve itself into the Committee of the Whole to consider Senate Bill No. 3636.

MOTION

Senator Charnley moved the Senate do now advance to the eighth order of business.

POINT OF ORDER

Senator Clarke: "Mr. President, point of order. We have a motion presently before the body."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's point of order is well taken, Senator Charnley. The President will place the motion, if it fails, then he will place yours, Senator Charnley."

Senator Charnley: "I would like to speak to the motion then, Mr. President."

President Cherberg: "You do not have a motion to speak to, Senator."

Senator Charnley: "I am sorry, I thought you said there was a motion on the floor."

President Cherberg: "A motion to resolve the Senate into a committee of the whole."

Senator Charnley: "That is right, I would like to speak on that motion, Mr. President."

President Cherberg: "Senator Charnley may speak on the motion."

Senator Charnley: "Thank you, Mr. President."

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate now resolve itself into the Committee of the Whole to consider Senate Bill No. 3636.

Debate ensued.

Senators Newhouse, Clarke and Hayner demanded the previous question and the demand was sustained.

Senator Charnley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the motion by Senators Newhouse, Clarke and Hayner carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon,

Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Lysen—1.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate resolve itself into the Committee of the Whole for purpose of considering Senate Bill No. 3636.

MOTION

Senator Shinpoch demanded a roll call and the demand was sustained.

MOTION

At 10:48 a.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 11:02 a.m.

PERSONAL PRIVILEGE

Senator Shinpoch: "Mr. President, ladies and gentlemen. Senator Haley made an apology for a mailing that he had made or distributed to us, and I think that is nice, he made an apology.

"But I guess that has not relieved my anger and I feel personally impugned by this, the piece of scurrilous material and I do not like it. There may be people who think that this is humor, but I am not one of those.

"I would not think this was funny even if it were in private, much less public and being distributed by young people to members' offices. To me, at least, to have young people, pages, who are mostly young women, distribute this kind of material, is unconscionable. Now the pages come here to find out how government works and to assist in that. I can find no way in the world that they can get a good impression of us by having to handle this kind of material. And if this is what they are going to learn about government, it is not going to do them much good and they are not going to have a very high opinion of us, or of the system that works.

"And if this is an example of the highroad or the high-mindedness that the Republican leadership talked about, then I do not want to travel your high-mindedness highroads. This is not my kind of road.

"I think it is nice that we had an apology but I guess it fits in with the rest of us, this is another time that we did something and then we apologized for it, or we did something and then we tore something up and said we would study it. And I simply do not like it. Thank you."

REMARKS BY SENATOR HALEY

Senator Haley: "Mr. President, if I may respond to Senator Shinpoch's point of personal privilege.

"I was taken to task by my leadership on this, and rightfully so, and so I do not think that Senator Shinpoch should cast any blame or aspersions on Republican leadership."

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Senate resolve itself into the Committee of the Whole for the purpose of considering Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Lysen—1.

COMMITTEE OF THE WHOLE

President Pro Tempore Guess assumed the Chair.

MOTION

Senator Charnley moved the Committee of the Whole rise.
Debate ensued.

POINT OF ORDER

Senator Clarke: "Point of order in that the matter that Senator Charnley has referred to has already been acted upon adversely by the body so it is not proper at this time to, in effect, renew it in the committee of the whole."

Further debate ensued.

President Pro Tempore Guess declared the question before the Committee of the Whole to be the motion by Senator Charnley that the Committee of the Whole rise.

There being no objection, on motion of Senator Clarke, the Point of Order was withdrawn.

President Pro Tempore Guess declared the motion by Senator Charnley carried.
President Cherberg assumed the Chair.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3636 was substituted for Senate Bill No. 3636 and the substitute bill was placed on the second reading calendar for today.

Senator Clarke moved the Senate resolve itself into a Committee of the Whole for the purpose of considering Substitute Senate Bill No. 3636.

POINT OF ORDER

Senator Charnley: "I want you to clarify for me whether we can now move ourselves in the committee of the whole when we are on second reading although we haven't had a bill placed before us."

RULING BY THE PRESIDENT

President Cherberg: "The Senate may resolve itself into the committee of the whole at any time, Senator Charnley."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Fleming: "When the committee of the whole rises from the committee, is it mandatory that the committee of the whole give a message or report to the entire body?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "To show that the committee of the whole conducted no business and therefore there would be nothing to report."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fleming, Senator Clarke's point was well taken inasmuch as nothing occurred in the committee of the whole."

Senator Fleming: "Thank you, Mr. President, I just wanted to make sure that that was reported to the body. Some of us sitting here might not have known that."

President Cherberg: "Well, the conclusion when the Senate dissolves the committee of the whole, the President is sure there will be a report made."

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Senate resolve itself into a Committee of the Whole for the purpose of considering Substitute Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Absent or not voting: Senator Lysen—1.

Substitute Senate Bill No. 3636 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Guess presiding, with the recommendation that it do pass as amended.

On motion of Senator Scott, the reading had in the Committee of the Whole was considered the second reading of Substitute Senate Bill No. 3636.

On motion of Senator Scott, the following amendments adopted in the Committee of the Whole were adopted by the Senate:

On page 50, starting on line 4 after "basis" strike all material down through "staff units" on line 9 on page 50.

On page 50, starting on line 26 after "enrolled" strike all material down through "subsection" on line 30 on page 50.

President Cherberg assumed the Chair.

Senator Scott: "Mr. President, I move that the rules be suspended, that Substitute Senate Bill. . ."

President Cherberg: "Senator Scott has moved that the reading had in the committee of the whole be considered a second reading of the bill. As many as are in favor will say 'aye.' As many as are opposed will say 'no.' The motion is carried. Senator McDermott."

Senator McDermott: "Mr. President, I have an amendment; we are now on second reading. There is an amendment on the desk, Mr. President."

President Cherberg: "Senator Bottiger."

POINT OF ORDER

Senator Bottiger: "Mr. President, point of order. What I understood Senator Scott's motion was to suspend the rules which would require a two-thirds vote."

President Cherberg: "To adopt the report of the committee as the President believes requires. . ."

Senator Bottiger: "That would be a majority vote, but he said 'to be considered the second reading' that the bill be placed on final passage."

President Cherberg: "Well, the bill is on second reading now."

POINT OF ORDER

Senator Shinpoch: "Mr. President, you ruled in what I was attempting to ask you, that the point of order that I intended to raise was, would it not take a suspension of rules to have gone directly from the committee of the whole to third reading? With an amendment on the desk for second reading when we came out of the committee of the whole, is it not necessary to consider that amendment?"

Senator Scott: "Mr. President, as a demonstration of courtesy to my counterpart across the way, I am going to withdraw the motion, although I know that, for the fourth time today, we are going to talk about the 'gang of six.'"

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 27, beginning on line 28, strike all of subsection (2) of section 47, and renumber the remaining subsection accordingly.

On page 28, beginning on line 5, strike all of subsection (3) of section 47.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, on line 12, page 28, I will quote from line 12, 'The plan is subject to approval by a select legislative task force of six members appointed by the president pro tem. . .' which is a very great change, we have always depended on Governor Cherberg for his fairness in choosing the members of a committee. And it is an unusual approach. But in all committees that we usually have appointed, we spell out the number and make sure that the Senate is equally represented with the House. That is one question.

"The other one is, and it further states on line 14, 'The plan, subject to amendment by the legislative designees, shall be implemented no later than October, 1981.' In your opinion, does this delegate legislative powers of the legislature to a committee we know not what, whether it is four or five House of Representatives members, or one Senator or what it can be? It seems just the wrong approach, and I wondered what your legal opinion would be?"

Senator Bottiger: "Well, as to the president pro tem provision, it is a direct violation of the Senate rules, Senate rule 1, subsection (6); and of course the Senate rules are part of any record that would be taken to court as to the appointment, who makes the appointment.

"As to the second portion of your question, not only is it delegation of the legislative authority to a committee which has final action and not subject to further review and final passage by the legislature, but it is probably, in my opinion, a violation of the separation of powers, and I gave the example in the committee of the whole of a state case where we tried to appoint a member of the legislature to an executive board and have him vote and the court said he could not do that. So I think that this section in this bill is subject to several grounds for constitutional challenge."

POINT OF ORDER

Senator Clarke: "Mr. President, I think that the so-called privilege of question and answer is being abused, and for this particular reason, it has already been debated that there is some possible question among the members with respect to various amounts of legality. Now if we are endeavoring to make a record in the journal with respect to legislative intent and we have a question by two people who are on the same side of a project and that then goes into the record without some sort of a challenge, it could be construed as evidencing the legislative intent of this legislature, and it certainly does not evidence the legislative intent of this side of the aisle."

"So I submit that the use of the facility of questions and answers to get in the journal is being abused and that this type of repartee should not be a part of the journal for the very reasons that I have stated, in that it is not a legitimate expression of legislative intent which should go to a court in trying to determine what the legislative intent is."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, by your answer then say that this committee is being delegated executive powers by reason of being able to control the way the money is spent by the department of social and health?"

Senator Bottiger: "Well, Senator, the language speaks for itself. It says that the department is supposed to come up with a plan which changes the allocation and the appropriation and the qualifications of people who might be eligible for assistance. And then it says a group of legislators, and they are not specified as to how many Senators, how many House members, whether it is bipartisan or partisan, but a group of legislators can amend it, adopt it, do whatever they want with it; and it speaks for itself. I am sure any court would see the three questions that I have raised, it is going to be up to them to decide it, but obviously there are grounds for challenging."

POINT OF INQUIRY

Senator Scott: "Senator Clarke, you believe that the questions asked or the responses given by Senator Bottiger to Senator Rasmussen's questions can be in any way construed as legislative intent?"

Senator Clarke: "Senator Scott, I am quite sure the intent of Senator Bottiger who made the response, but I can assure you that they are not the intent of the majority on this side of the aisle with many of whom I have discussed the question. I am not prepared at this time to go into any legal analysis, but I simply do want the record to show that the expression does not constitute the legislative intent of the majority of the Senate."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Let the records show also that supreme court judges are known to be able to read for themselves."

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, we are now on second reading and dealing with an omnibus appropriation bill, is a simple majority all that is required to pass an amendment deleting an item? Is this amendment before us?"

REPLY BY THE PRESIDENT

President Cherberg: "The President rules that a majority vote is necessary for the adoption of the amendment."

POINT OF INQUIRY

Senator Bauer: "Senator Lee, on page 58, on institutional education under department of superintendent of public instruction, there is, the funding is only designated for one year of the biennium for the institutional education. Is that any effort on the part of this body to look at the potential of closing the schools for the deaf and the blind in the near future?"

Senator Lee: "No, Senator Bauer, that is not the reason for the one-year appropriation, and in fact, if that were, I would certainly resist it because I think we have done far too much deinstitutionalizing of children who profit by those kinds of facilities.

"The reason for that section being for one year, is that we have added a whole new category of teaching in institutions and that is within group homes. We felt that it needed to be continued at its present rate, but that we should be looking at it to be sure that it is properly done and is really serving the real needs of these people that have already been deinstitutionalized and are being put into group homes."

Senator Bauer: "Thank you, Senator Lee, and I appreciate that attitude of yours and I hope that is the prevailing attitude of the Senate and the entire legislature."

POINT OF INQUIRY

Senator Bauer: "Senator Scott, I was assigned to the committee on sundry claims and because of whatever circumstances we only held one meeting, did not make a final judgment on any of the requests that were made in there. We did take testimony from the groups.

"I see here in the biennial budget, some of those are listed here without committee recommendation, of course; and I wonder about the others or what is the position of the committee, Senator?"

Senator Scott: "Senator Bauer, I think it was just after you left the ways and means committee meeting two days ago, that we considered additional sundry claims as a part of the second supplemental budget which will be before this body either Monday or Tuesday."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendments by Senator McDermott were not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Lysen—1.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 3636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3636 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Lysen—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3636, 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 Clarke, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 2, 1981.

Mr. President: The House has passed the following SUBSTITUTE HOUSE BILLS numbered:

87	302	570	678
95	314	577	680
116	324	591	690
138	359	617	696
184	412	634	702
203	451	636	709
213	466	650	724
259	490	663	731
297	525	667	733

and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 2, 1981

Mr. President: The House has passed the following HOUSE BILLS numbered:

354	515	596	707
410	530	625	708
433	537	681	716
468	542	682	720
472	563	686	727
494	568	692	732
497	572	697	734
500	594	706	736

and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 2, 1981.

Mr. President: The House has passed the following ENGROSSED HOUSE
BILLS numbered:

22	381	621
66	427	641
151	446	660
214	470	677
228	516	705
254	519	719
289	527	722
341	554	728
364	620	735

and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 2, 1981.

Mr. President: The House has passed the following HOUSE BILLS:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 84,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 169,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 189,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 226,

SECOND SUBSTITUTE HOUSE BILL NO. 246,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 397,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 477,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626,

SECOND SUBSTITUTE HOUSE BILL NO. 628,

HOUSE JOINT MEMORIAL NO. 13,

ENGROSSED HOUSE JOINT MEMORIAL NO. 14,

HOUSE JOINT MEMORIAL NO. 15,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 10, and the same are

herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MESSAGES FROM THE HOUSE

April 2, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 368,
and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 2, 1981.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 63,
and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Clarke, all House Bills were referred as indicated on the list on the desk of each member with the exception of Engrossed Substitute House Bill No. 66 which will be referred to the Committee on Parks and Ecology; Engrossed Substitute House Bill No. 84 will be referred to the Judiciary Committee; Substitute House Bill No. 451 was referred to the Judiciary Committee; Second Substitute House Bill No. 628 was referred to the Committee on Social and Health Services.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 111, by Senator Haley:

Requesting the commissioner of public lands to make more economic use of state-owned urban lands.

Referred to Committee on Natural Resources.

FIRST READING OF HOUSE BILLS

ENGROSSED HOUSE BILL NO. 22, by Representative Sprague:

Making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 63, by Representatives Monohon and Garrett:

Updating provision allowing state credit unions to exercise powers conferred on federal credit unions doing business in state.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 66, by Representatives Warnke, Grimm, Walk, Garrett, North, Eberle and Patrick:

Transferring the Auburn game farm to the parks and recreation commission.

Referred to Committee on Parks and Ecology.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 84, by Committee on Appropriations-Human Services (originally sponsored by Representatives Chandler, Galloway, Salatino, Wang, Ellis, Teutsch, Nelson(D), Wilson and Brekke):

Authorizing means for the disclosure of natural parent identities to adopted persons.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 87, by Committee on Human Services (originally sponsored by Representatives Berleen, Hastings, Owen, Johnson, Lewis, Bond, Vander Stoep, Isaacson, McDonald and Hankins):

Abolishing the state hospital commission.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 95, by Committee on State Government (originally sponsored by Representatives Garson, Kreidler and Maxie):

Removing 30-day limit on the amount of vacation leave state employees may accrue.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis and Ehlers):

Creating a state office of administrative hearings.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 116, by Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Schmitt, Thompson, Rosbach, Owen and Mitchell) (by Department of Game Request):

Revising game fees.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 138, by Committee on Appropriations—General Government and Compensation (originally sponsored by Representatives Williams, Thompson, Tupper, Grimm, Addison, McGinnis, Garson and Fiske):

Modifying the teachers' retirement system.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 151, by Representatives Galloway, Teutsch, Erickson, Winsley, King (J), Wang and Brekke:

Modifying the laws affecting assault victims under sixteen.

Referred to Judiciary Committee.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 169, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Board of Pharmacy request):

Revising laws relating to pharmacy.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 184, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representative Ellis):

Rejecting federal bankruptcy law exemptions.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 189, by Committee on Education (originally sponsored by Committee on Education and Representative Taylor):

Authorizing administration of oral medication by common school and private school personnel.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 203, by Appropriations—General Government and Compensation (originally sponsored by Committee on Appropriations—General Government and Compensation and Representative Williams) (by Office of Financial Management request):

Providing for fire protection for state-owned buildings.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 213, by Committee on State Government (originally sponsored by Representatives Thompson, Barrett, Isaacson, Teutsch and Sanders):

Modifying the scope of the Open Public Meetings Act.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 214, by Representatives Greengo, Rinehart, Chandler, Galloway, Bickham, Bond, Nisbet, Granlund, Rust, Warnke, Becker, Sanders, Teutsch, Taylor, Thompson, King (R), Struthers, O'Brien, Burns, Patrick, Johnson, Padden, Nelson (D) and Brekke:

Exempting nonprofit musical, dance, artistic, dramatic, and literary association from property taxation.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 226, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Stratton and Rosbach):

Insuring the informed consent of a woman having an abortion.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 228, by Representatives Dawson, Bickham, Ellis, Tilly, Clayton, McGinnis, Patrick, Wang, Houchen and Brown:
Modifying provisions on financial responsibility for motor vehicles.
Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 230, by Representatives McGinnis, King (R), Bickham and Erak:
Regulating insurance rates.
Referred to Committee on Financial Institutions and Insurance.

SECOND SUBSTITUTE HOUSE BILL NO. 246, by Committee on Appropriations—Human Services (originally sponsored by Committee on Institutions and Representatives Houchen, Becker, Dawson and Kreidler):
Modifying provisions relating to the criminal justice training account.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 254, by Representatives Dawson, Bickham, Patrick, Brown, McGinnis, Erak, Ellis, Lewis, Houchen, Lane, Tilly and Garrett:
Requiring certain coverages in automobile insurance policies.
Referred to Committee on Financial Institutions and Insurance.

SECOND SUBSTITUTE HOUSE BILL NO. 257, by Committee on Appropriations—General Government and Compensation (originally sponsored by Representatives Van Dyken, Becker, Fiske, Lundquist, Fancher, Barr, Thompson and Greengo):
Providing for supplemental police protection in border areas.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 259, by Committee on State Government (originally sponsored by Representatives Brekke, Addison, Wang, Hankins, Nelson (D), Burns, Valle, Kreidler, Monohon, Rust, Pruitt and Ellis):
Providing plans for conserving paper resources by governmental agencies.
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 289, by Representatives Walk, Garrett, Patrick, Granlund, Nickell, Galloway, Owen, Gallagher, North, Sherman, Sanders, Grimm and Houchen:
Granting civil immunity to officers using police dogs and making it a felony to harm a police dog.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 297, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dawson, Garrett, McGinnis, Bickham, Brown, Lewis, McCormick, Houchen, McDonald, Hankins, Winsley, Lane, Schmidt, Sprague, Fancher, Bond, Leonard, Teutsch, Barrett, Lundquist, Maxie, Gruger, Lux, Becker, Grimm, Scott, Granlund, Martinis, Kreidler, Wang, Hine, King (J), Gallagher, O'Brien, North, Bender, Ehlers, Sherman, Rinehart, Stratton, Warnke, Pruitt, Rust and Brekke):
Regulating medicare supplemental insurance.
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 302, by Committee on State Government (originally sponsored by Representatives Garson, Addison, McGinnis, Walk, Hankins, Kreidler, Rust and Johnson):
Creating a state personnel appeals board.
Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 314, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Eberle, Ellis, Barnes, Patrick, Warnke and Garrett):

Revising laws on disposition of exhibits in court.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 324, by Committee on Local Government (originally sponsored by Representatives Thompson, Williams and Flanagan):

Eliminating interest rate limits for certain government financial obligations.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 341, by Committee on Labor and Economic Development and Representatives Sanders, Patrick, Brown, Lux, Garrett, Brekke, King (J), Scott, Monohon, Nelson (G) and Fiske (by Department of Licensing request) (by Attorney General request):

Enacting the Business Opportunity Fraud Act.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 354, by Committee on State Government and Representatives Addison and Walk:

Transferring some functions of the state planning and community affairs agency to the office of financial management.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 359, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell):

Modifying provisions of law on health services and facilities requiring certificates of need.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 364, by Representatives Vander Stoep, Bender, Dickie, Galloway, Burns, Nisbet, Barnes, Tupper, Heck, Teutsch, Ellis, Granlund and Wang:

Establishing a Washington state scholars program.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 368, by Committee on Labor and Economic Development (originally sponsored by Representatives Granlund, Ellis, Monohon, Clayton, Brown, Nelson (G), Chandler, Rust and Galloway):

Modifying provisions relating to camping clubs.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 381, by Representatives Tilly and Padden:

Modifying procedures applicable to conditionally released persons.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 397, by Committee on Ethics, Law and Justice (originally sponsored by Representatives Tilly, Sanders, Leonard, Nelson (G) and McGinnis):

Revising laws relating to mobile homes.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 410, by Committee on Human Services and Representatives Mitchell and Hine (by Department of Social and Health Services request):

Modifying provisions relating to county alcoholism and drug abuse programs.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 412, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying the financial responsibility provisions for mental illness commitment.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 427, by Committee on Education and Representatives Lewis and O'Brien:

Implementing law relating to sale or lease of school district surplus property.
Referred to Committee on Education.

HOUSE BILL NO. 433, by Committee on Institutions and Representatives Houchen, Owen and Leonard:

Providing for termination of the criminal justice training commission.
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 444, by Committee on Energy and Utilities (originally sponsored by Committee on Energy and Utilities and Representatives Tupper, Brekke, Bickham, Bond, Sprague, Hine, Bender, Isaacson, Eberle, Dickie and Ellis):

Requiring donations made by public service companies to be considered operating expenses.

Referred to Committee on Energy and Utilities.

ENGROSSED HOUSE BILL NO. 446, by Committee on Labor and Economic Development and Representatives Isaacson, Sanders, Hankins, Hastings and Struthers:

Modifying provisions on the state energy fair.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 451, by Committee on Institutions (originally sponsored by Representatives Ehlers, Erickson and Hine):

Modifying provisions relating to juveniles.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 466, by Committee on Energy and Utilities (originally sponsored by Representatives Sprague, Burns, Isaacson, Heck, Flanagan, Bond, Scott and Williams):

Providing for the distribution of funds received under the geothermal steam act.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 468, by Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Maxie, Lux and Patrick:

Appropriating funds for veterans employment seminars.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 470, by Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Johnson and Sanders:

Appropriating funds for training of mental health professionals.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 472, by Representatives Pruitt, Sherman, Monohon, Walk, Erickson and Lux:

Modifying the penalty for unlawful political advertising.

Referred to Committee on Constitutions and Elections.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 477, by Select Committee on Vietnam Era Veterans (originally sponsored by Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Johnson, Lux and Patrick):

Providing for coordination among veterans programs.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 490, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representatives Isaacson, Hankins, Hastings and Struthers):

Providing for a state exhibition at Energy Fair '83.

Referred to Committee on Energy and Utilities.

HOUSE BILL NO. 494, by Committee on Ethics, Law and Justice and Representative Wang:

Modifying procedures governing a defendant acquitted by reason of insanity.

Referred to Judiciary Committee.

HOUSE BILL NO. 497, by Committee on Human Services and Representative Mitchell (by Department of Social and Health Services request):

Clarifying laws on state residential schools.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 500, by Committee on Ethics, Law and Justice and Representatives Ellis and Salatino (by Code Reviser's Office request):

Adopting a rule of statutory construction that a reference includes any amendments to the referenced statute.

Referred to Judiciary Committee.

HOUSE BILL NO. 515, by Committee on Ethics, Law and Justice and Representatives Nisbet and Ellis:

Modifying requirements for the establishment by counties of a full-time office of justice of the peace.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 516, by Committee on Ethics, Law and Justice and Representatives Patrick and Wang:

Imposing a minimum five year sentence upon certain public officials committing enumerated felonies under color of office.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 519, by Committee on Local Government and Representative Isaacson:

Modifying procedures for forming and financing local improvement districts.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 525, by Committee on Human Services (originally sponsored by Committee on Human Services and Representatives Mitchell and Nisbet) (by Department of Social and Health Services request):

Establishing procedures for collection of public assistance overpayments.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 527, by Committee on State Government and Representatives Rosbach and North:

Continuing the state board of geographic names.

Referred to Committee on State Government.

HOUSE BILL NO. 530, by Representatives O'Brien and Ellis:

Modifying amounts payable for certain death benefits.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 537, by Committee on Ethics, Law and Justice and Representatives Padden and McCormick:

Permitting issuance of an occupational drivers license to a person whose license has been revoked for refusing a blood alcohol test.

Referred to Judiciary Committee.

HOUSE BILL NO. 542, by Committee on Agriculture and Representative Smith:

Implementing law relating to cooperative associations.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 554, by Representatives Burns, Eng, Maxie, Bender, Tupper and Isaacson:

Allowing cities or towns to borrow on expected revenue from utility projects.

Referred to Committee on Local Government.

HOUSE BILL NO. 563, by Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Tilly, Bickham, Padden, Salatino, Schmidt, Pruitt and Tupper:

Modifying the grounds for a claim for malicious prosecution.

Referred to Judiciary Committee.

HOUSE BILL NO. 568, by Committee on Ethics, Law and Justice and Representatives Ellis, Patrick, Salatino, Tupper, Wang, Garrett and Clayton (by Washington State Patrol request):

Forbidding sale or possession of certain weapons.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 570, by Committee on Financial Institutions and Insurance (originally sponsored by Representative Bickham):

Revising laws on interest on life insurance loans.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 572, by Committee on State Government and Representative Addison:

Transferring responsibility for voting devices to the secretary of state.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 577, by Committee on State Government (originally sponsored by Representatives Ellis, Warnke, Bond, Sommers, Tilly, Fiske, Addison, Hastings, Brown and Sanders):

Abolishing mandatory public retirement ages.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 591, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Lundquist, Ellis, Isaacson and Hankins):

Permitting the marketing of property prior to the recording of the final plat, contingent upon such recording.

Referred to Judiciary Committee.

HOUSE BILL NO. 594, by Committee on Transportation and Representative Wilson:

Permitting brief road closures by posting only.

Referred to Committee on Transportation.

HOUSE BILL NO. 596, by Committee on Ways and Means and Representative Chandler (by Office of Financial Management request):

Creating the natural resources account.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 617, by Committee on Education (originally sponsored by Committee on Education and Representative Taylor):
Implementing law relating to certification of personnel employed in schools.
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 620, by Committee on State Government and Representatives Addison, Walk and North (by Washington State Patrol request):

Providing for disability leave for state patrol officers.
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 621, by Representatives Winsley and North:

Modifying provisions relating to cruelty to animals.
Referred to Committee on Agriculture.

HOUSE BILL NO. 625, by Representatives Barr, Fancher, Tilly, Hankins and Isaacson:

Modifying provisions relating to superior court judges.
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Walk and Owen):

Providing civil and criminal penalties for certain acts relating to pornography and moral nuisances.

Referred to Judiciary Committee.

SECOND SUBSTITUTE HOUSE BILL NO. 628, by Committee on Appropriations—Human Services (originally sponsored by Committee on Institutions and Representatives Houchen, Johnson and Ellis):

Requiring parental consent for the release of youth from residential schools.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 634, by Committee on State Government (originally sponsored by Representatives Van Dyken, Brown, Isaacson and Addison):

Modifying environmental coordination procedures.
Referred to Committee on Parks and Ecology.

SUBSTITUTE HOUSE BILL NO. 636, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Lundquist and Isaacson):

Permitting reimbursement at monthly rates for municipal officers and employees using personal automobiles for official travel.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 641, by Representative Nickell:

Requiring that county auditors record plats of public land surveys.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 650, by Committee on Education (originally sponsored by Committee on Education and Representatives Cantu):

Establishing school district building fund and specifying purposes for which it may be used.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 660, by Committee on Labor and Economic Development and Representatives Sanders, Clayton, Barr and Smith:

Modifying labor dispute disqualification for unemployment benefits.
Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 663, by Committee on State Government (originally sponsored by Representatives Greengo and Tupper):

Modernizing initiative and referendum petition requirements.

Referred to Committee on Constitutions and Elections.

SUBSTITUTE HOUSE BILL NO. 667, by Committee on Education (originally sponsored by Committee on Education and Representatives Nelson (G) and Sommers):

Modifying provisions relating to school districts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 677, by Committee on Transportation and Representatives Schmidt, Wilson, Eberle, Houchen, Owen, McCormick, James, Lundquist, Nisbet and Berleen:

Granting emergency powers to the governor to operate the Puget Sound ferry and toll bridge system.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 678, by Committee on State Government (originally sponsored by Committee on State Government and Representative Addison) (by Office of Financial Management request):

Revising procedures for special audits of agricultural co-ops.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 680, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representatives Barrett, Hankins, Sanders, Patrick, Scott and North) (by Department of Licensing request):

Modifying requirements for business license application by revising the business master license system.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 681, by Committee on Labor and Economic Development and Representatives Patrick, Sanders, Barrett, Hankins and Scott:

Implementing law relating to electrical installations with reference to medical devices and equipment.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 682, by Committee on Ethics, Law and Justice and Representative Ellis:

Extending the statute of limitations for certain crimes of sexual abuse against children.

Referred to Judiciary Committee.

HOUSE BILL NO. 686, by Committee on Labor and Economic Development and Representative Sanders:

Requiring mailed notice of mechanics' liens.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 690, by Committee on State Government (originally sponsored by Committee on State Government and Representative Addison):

Revising the powers and duties of the state capitol historical association.

Referred to Committee on State Government.

HOUSE BILL NO. 692, by Committee on Local Government and Representative Isaacson:

Implementing the law relating to filling of vacancies on water and sewer district commissions.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 696, By Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Isaacson and Stratton):

Modifying the investment authority of municipal employees' pension system boards.

Referred to Committee on Local Government.

HOUSE BILL NO. 697, by Committee on Local Government and Representative Isaacson:

Modifying the application of the appearance of fairness doctrine.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 702, by Committee on State Government (originally sponsored by Committee on State Government and Representative Williams):

Modifying provisions relating to the state committee on salaries.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 705, by Committee on Local Government and Representative Sanders:

Prohibiting code city-owned cable systems if a private system is available.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 706, by Committee on Institutions and Representatives Struthers, Fiske, Walk and Houchen:

Modifying provisions on contraband and detention facilities.

Referred to Judiciary Committee.

HOUSE BILL NO. 707, by Committee on Appropriations-Human Services and Representatives Mitchell, Ehlers, Erickson, Scott, King (R), Martinis, Grimm and Walk:

Appropriating funds for water supply facilities.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 708, by Committee on Local Government and Representatives Schmidt and Isaacson:

Changing fees for official services, and permitting their recovery as court costs.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 709, by Committee on Local Government (originally sponsored by Committee on Local Government and Representatives Brown and Isaacson):

Transferring county treasurers' duties relating to metropolitan park districts to city treasurers.

Referred to Committee on Local Government.

HOUSE BILL NO. 716, by Committee on Appropriations-General Government and Representative Williams:

Modifying disability provisions of the law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 719, by Committee on Education and Representative Taylor:

Providing for a citizens study commission on school finance.

Referred to Committee on Education.

HOUSE BILL NO. 720, By Committee on Ethics, Law and Justice and Representatives Isaacson and Ellis:

Modifying persons authorized to become donees of gifts of human remains.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 722, by Committee on Labor and Economic Development and Representatives Smith and Taylor:

Providing for special license plates for members of the state military forces.
Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 724, by Committee on State Government (originally sponsored by Committee on State Government and Representatives Addison, Nelson (G) and Sommers):

Providing for improvement in the productivity of state government.
Referred to Committee on State Government.

HOUSE BILL NO. 727, By Committee on Appropriations-General Government and Representative Williams:

Modifying provisions relating to assessments of forest lands for fire protection and suppression purposes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 728, by Committee on State Government and Representative Sommers:

Revising definition of appraisals.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 731, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representatives Ellis, Sanders and Garrett):

Providing for the regulation of certain persons buying precious metals.

Referred to Committee on Commerce and Labor.

HOUSE BILL NO. 732, by Committee on Human Services and Representatives Van Dyken and Grimm:

Transferring lands owned at Rainier school to Washington State University for use as a dairy/forage research facility.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 733, by Committee on State Government (originally sponsored by Committee on State Government and Representative Garson):

Extending provisions permitting deductions from state retirement benefits.

Referred to Committee on State Government.

HOUSE BILL NO. 734, by Committee on Labor and Economic Development and Representatives Patrick and Sanders:

Relating to the sale, purchase, or exchange of used mobile homes in conjunction with real estate.

Referred to Committee on Commerce and Labor.

ENGROSSED HOUSE BILL NO. 735, by Committee on Energy and Utilities and Representatives Barnes, Nelson (D), Wang, Bond, Dickie and Lux:

Establishing ownership of solid waste.

Referred to Committee on Local Government.

HOUSE BILL NO. 736, by Committee on State Government and Representative Garson:

Allowing the state employees insurance board to contract with multiple carriers providing similar coverage and changing the frequency of insurance surveys performed for the board.

Referred to Committee on State Government.

HOUSE JOINT MEMORIAL NO. 13, by Representatives Becker, Nisbet, Sommers, Berleen, Kreidler, Mitchell, Valle and Brekke:

Supporting enactment of federal legislation to provide states more flexibility in administering medicaid programs.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE JOINT MEMORIAL NO. 14, by Representatives Flanagan, Polk, Scott, Barrett, O'Brien, Sanders, Hankins, Garrett, Thompson, Barr, Warnke, Brown, Smith, King (J), James, Lundquist, Johnson, Lewis, Bickham, Chamberlain, Prince and Clayton:

Requesting mutually beneficial foreign trade agreements.

Referred to Committee on Commerce and Labor.

HOUSE JOINT MEMORIAL NO. 15, by Committee on State Government and Representative Lewis:

Requesting that the U.S. postal service issue a stamp commemorating the eruption of Mount St. Helens.

Referred to Committee on State Government.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 10, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representative Ellis):

Authorizing appointment of retired judges as superior court judges pro tem.

Referred to Judiciary Committee.

STATEMENTS FOR THE JOURNAL

PROTEST

MEMORANDUM

TO: Dorothy Greeley
 FROM: Phil Talmadge
 DATE: April 9, 1981
 RE: Journal Entries

Pursuant to Senate Rule 34, I wish to register my protest for the JOURNAL with respect to the attached amendments.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, beginning on line 4, strike everything down through the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert "(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 27, beginning on line 28, strike all of subsection (2) of section 47 and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge: On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 6, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

<u>"NEW SECTION.</u> Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS	
General Fund Appropriation	\$ 5,815,000
Special Fund Salary Increase and Employee Benefit	
Contribution Revolving Fund Appropriation	\$ 1,659,000
Total Appropriation	\$ 7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel

board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: Phil Talmadge.

PROTEST

Sid Snyder:

Pursuant to Rule 34, please honor my request to have the journal show that I voted in support of the attached amendments to Substitute Senate Bill No. 3636.

Signed: Ray W. Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 27, beginning on line 28, strike all of subsection (2) of section 47 and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed Ray Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, beginning on line 4, strike everything down through the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ray Moore.

PROTEST

April 4, 1981.

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, Wa 98504

Dear Sid:

Pursuant to Senate Rule 34, I hereby request that my protest be entered into the Senate Journal and I would like to have entered how I would have voted on the attached amendments.

Sincerely,
Signed: R. Ted Bottiger
State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Re-number sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognild, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 31, beginning on line 26, strike all of sections 52 and 53 and insert

"NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM.

General Fund Appropriation—State	\$	170,364,000
General Fund Appropriation—Federal	\$	170,364,000
Total Appropriation	\$	340,728,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (2) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be at the January 1, 1981, reimbursement rate, adjusted for inflation at 9.8% for fiscal year 1982 and 8.7% for fiscal year 1983.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the

department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation shall be \$32.50 per month.

(8) \$3,777,000 (of which \$1,888,000 shall be from federal funds) shall be used for reimbursement of costs incurred from the training of nurses' assistants."

Renumber the remaining sections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, beginning on line 4, strike everything down through the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Bottiger:

On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Ted Bottiger.

PROTEST

April 6, 1981.

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, Wa 98504

Dear Sid:

Under rule 34, I register my protest regarding the actions of the Senate Republican Caucus on Saturday, April 4, 1981. Specifically, I protest their insistence that the Senate act on the omnibus budget bill, Substitute Senate Bill No. 3636, under the protective cloak of secrecy called the committee of the whole.

I request that my protest be entered into the Senate Journal and I want the Journal to indicate that I support the attached amendments.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, beginning on line 4, strike everything down through the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

Senate amendments to Engrossed Second Substitute House Bill No. 624, by Senator McDermott:

On page 2, beginning on line 29, strike all of sections 7 and 8 and renumber the remaining sections accordingly.

On page 4, beginning on line 28, strike all of sections 10 and 11 and renumber the remaining sections accordingly.

I request my aye vote on this amendment be entered into the Journal.

Signed: Donn Charnley.

Senate amendments to Engrossed Second Substitute House Bill No. 624, by Senator McDermott:

On page 3, line 26, strike "\$362,698,000" and insert "\$363,399,680".

On page 4, beginning on line 28, add a new subsection (9) to section 9 as follows:

"(9) Not less than \$701,680 shall be expended for the General Assistance—Unemployable (GA-U) program."

I request my aye vote on this amendment be recorded in the Journal.

Signed: Donn Charnley

Senate amendment to Engrossed Second Substitute House Bill No. 624, by Senator McDermott:

On page 4, beginning on line 28, add a new section as follows:

"NEW SECTION. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM:

General Fund Appropriation—State	\$	3,900,000
General Fund Appropriation—Federal	\$	3,500,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not less than \$400,000 in state funds only shall be expended for the General Assistance—Unemployable (GA-U) program.

(2) Not less than \$7,000,000 (of which \$3,500,000 shall be from federal funds) shall be expended for the Federal Assistance Medical Care Only (FAMCO) program."

Renumber the remaining sections accordingly.

I request my aye vote on this amendment be entered into the Journal.

Signed: Donn Charnley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: Donn Charnley.

PROTEST

April 4, 1981.

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, Wa 98504
Dear Sid:

Pursuant to Senate Rule 34, I hereby request that my protest be entered into the Senate Journal and I would like to have entered how I would have voted on the attached amendments:

Sincerely,
Signed: Paul H. Conner
State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

<u>"NEW SECTION.</u> Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS	
General Fund Appropriation	\$ 5,815,000
Special Fund Salary Increase and Employee Benefit	
Contribution Revolving Fund Appropriation	\$ 1,659,000
Total Appropriation	\$ 7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase

and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 27, beginning on line 28, strike all of subsection (2) of section 47 and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognild, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 28, beginning on line 6, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 31, beginning on line 26, strike all of sections 52 and 53 and insert

"NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM.

General Fund Appropriation—State	\$	170,364,000
General Fund Appropriation—Federal	\$	170,364,000
Total Appropriation	\$	340,728,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (2) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be at the January 1, 1981, reimbursement rate, adjusted for inflation at 9.8% for fiscal year 1982 and 8.7% for fiscal year 1983.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation shall be \$32.50 per month.

(8) \$3,777,000 (of which \$1,888,000 shall be from federal funds) shall be used for reimbursement of costs incurred from the training of nurses' assistants."

Renumber the remaining sections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 34, beginning on line 13, strike all of section 54 and insert:

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE GRANTS PROGRAM:

General Fund Appropriation—State	\$	336,579,000
General Fund Appropriation—Federal	\$	368,000,000
Total Appropriation	\$	704,579,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$34,400,000 (of which \$17,200,000 shall be from state funds only) shall be expended for the Aid to Families with Dependent Children—Employable (AFDC—E) Program.

(2) Not more than \$7,700,000 (of which \$3,800,000 shall be from state funds only) shall be expended for the Federal Emergency Assistance (FEA) program with a 30-day, food only standard.

(3) Not more than \$9,500,000 in state funds only shall be expended for the General Assistance—Unemployable (GA—U) program for unemployable persons whose incapacity is anticipated to last more than 30 days."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 34, beginning on line 26, strike all of section 55 and insert:

"NEW SECTION." Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES GRANTS PROGRAM:

General Fund Appropriation—State	\$ 141,300,000
General Fund Appropriation—Federal	\$ 59,709,000—
General Fund Appropriation—Local	\$ 105,000
Total Appropriation	\$ 201,114,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be expended solely for the migrant day care program.

(2) Not more than \$57,400,000 shall be expended for the provision of adult chore service payments.

(3) \$1,148,000 of the general fund—state appropriation shall be expended solely for the victims of domestic violence program.

(4) \$350,000 of the general fund—state appropriation shall be expended solely for the victims of sexual assault program.

(5) Not more than \$10,518,000 (of which \$8,884,000 shall be from state funds only) shall be expended for a 10 percent vendor rate increase beginning on July 1, 1982."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 34, line 28, strike "\$134,784,000" and insert "\$135,724,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 34, line 31, strike "\$205,116,000 and insert \$206,056,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 35, line 13, after "act." insert "(5) \$940,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be expended solely for long-term care for residential treatment for chronic alcoholics."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 35, beginning on line 14, strike all of section 56 and insert:

"NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE GRANTS PROGRAM:

General Fund Appropriation—State	\$ 277,386,000
General Fund Appropriation—Federal	\$ 287,196,000
Total Appropriation	\$ 564,582,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$13,400,000 (of which \$6,600,000 shall be from state funds only) shall be expended for the Aid to Families with Dependent Children—Employable (AFDC-E) program.

(2) Not more than \$6,200,000 (of which \$3,100,000 shall be from state funds only) shall be expended for the Federal Emergency Assistance (FEA) program with a 30-day food only standard.

(3) Not more than \$7,000,000 in state funds only shall be expended for the General Assistance—Unemployable (GA-U) program for unemployable persons whose incapacity to last more than 30 days.

(4) Not more than \$78,100,000 (of which \$39,000,000 shall be from state funds only) shall be expended for the Federal Assistance—Medical Care Only (FAMCO) Program.

(5) Not more than \$16,231,000 (of which \$8,372,000 shall be from state funds only) shall be expended for a 10 percent rate increase beginning on July 1, 1982 for all medical vendors other than hospitals or nursing homes.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, line 2, strike everything down through the period on line 5.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talley:

On page 41, line 25, there is added a new section to read as follows:

"NEW SECTION. Sec. 75. FOR THE OCEANOGRAPHIC COMMISSION OF WASHINGTON

General Fund Appropriation	\$ 154,000"
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Renumber the following sections.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendments to Substitute Senate Bill No. 3636, by Senator Hurley:

On page 45, lines 8 and 9, strike "continuation of contractual agreements with Grays Harbor and Pacific counties for"

On page 45, line 10, after "Beach" add ", provided such patrol and law enforcement shall be carried out by the Washington state patrol and any existing agreement with Grays Harbor or Pacific counties for these purposes be terminated"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Hansen:

On page 48, line 32, after "administration." add "not less than \$250,000 of the general fund—state appropriation shall be expended to carry out weed control programs in Washington state."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Gaspard and Wojahn:

On page 49, line 3, strike "\$13,295,000" and insert "\$14,569,000".

On page 49, line 7 strike "\$19,736,000" and insert "\$21,010,000".

On page 49, starting on line 13 strike all of subsection (2).

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate Floor Amendment to Substitute Senate Bill No. 3636, by Senator Lee:

On page 50, starting on line 4 after "basis" strike all material down through "staff units" on line 9 on page 50

On page 50, starting on line 26 after "enrolled" strike all material down through "subsection" on line 30 on page 50

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Bauer and Gaspard:

On page 50, section 87, line 4, following "basis", strike all the material down to and including "units" on line 9.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer, McDermott and Gaspard:

On page 50, line 26, after "enrolled" strike all material down through "subsection" on line 30, page 50.

I want it indicated in the Senate Journal that I supported these amendments.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Goltz and Wojahn:

On page 55, line 32 strike "42,597,000" and insert "48,007,000"

On page 56, line 2, strike "less than \$438 and \$456" and insert "more than \$385 and \$400"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 57, section 96, line 20, strike "14,973,000" and insert "24,973,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 57, line 1, strike everything down to and including the period on line 17.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Fleming:

On page 57, line 20, strike "14,973,000" and insert "27,200,000" and on line 23, strike "14,973,000" and insert "27,200,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Lee:

On page 58, line 5 strike "1.5%" and insert "1.75%"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 61, section 104, on line 21, strike "291,470,000" and insert "286,470,000" and on line 27 strike "348,879,000" and insert "343,879,000"

On page 61, section 105, on line 33, strike "184,635,000" and insert "179,635,000" and on page 62, line 2, strike "198,635,000" and insert "193,635,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636:

On page 63, line 2, strike "22,788,000" and insert "23,538,000"

On page 63, line 4, strike "26,472,000" and insert "27,222,000"

On page 63, line 13, after "RCW 28B.15.732" add "(3) \$750,000 of the general fund appropriation shall be expended solely for the displaced homemaker program through the biennium beginning on July 1, 1981."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Conner:

On page 64, line 24, after line 24, insert:

"The appropriation contained in this section shall be subject to the following condition or limitation: \$330,000 of the general fund appropriation shall be expended solely for the Centrum Foundation."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 68, section 96, following line 15, add a new subsection to read as follows:

"(2) \$10,000,000 shall be provided solely for the basic skills remediation program pursuant to RCW 28A.41.400 through RCW 28A.41.414."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Moore:

On page 69, section 121, line 19, strike all of subsection (7) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 4, line 2, add a new subsection as follows:

"(3) The administrator for the courts shall provide funds to those counties adopting mandatory arbitration for small civil cases sufficient to pay for the state's share of the costs of its arbitration."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, beginning on line 4, strike everything down through the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Conner:

On page 64, line 26, after the period insert "In addition, the appropriation contained in this section shall be subject to the following condition or limitation; \$330,000 of the general fund appropriation shall be expended solely for the Centrum Foundation."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Moore:

On page 69, line 22, strike all of subsection (7) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Paul H. Conner.

PROTEST

April 6, 1981.

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, Wa 98504

Dear Sid:

Pursuant to Senate Rule 34, I hereby request that my protest be entered into the Senate Journal. As you know, there are no recorded votes in the Committee of the Whole; therefore, I would like to have entered into the Journal how I would have voted on the attached amendments.

Sincerely yours,

Signed: George Fleming
State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 27, beginning on line 28, strike all of subsection (2) of section 47 and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:
On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: George Fleming.

PROTEST

April 4, 1981.

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, Wa 98504

Dear Sid:

Pursuant to Senate Rule 34, adopted on January 21, 1981, as part of the permanent rules of the Senate, of the Forty-Seventh Legislature, I hereby request that the following personal protest be entered into the Senate Journal.

I protest that members' votes on proposed amendments to the 1981-83 biennium budget were not allowed to be recorded. I further request to have entered into the Senate Journal how I would have voted on the attached amendments.

Sincerely yours,

Signed: Marcus S. Gaspard
State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

<u>"NEW SECTION.</u> Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS	
General Fund Appropriation	\$ 5,815,000
Special Fund Salary Increase and Employee Benefit	
Contribution Revolving Fund Appropriation	\$ 1,659,000
Total Appropriation	\$ 7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase

and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognild, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 31, beginning on line 26, strike all of sections 52 and 53 and insert

"NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM.

General Fund Appropriation—State	\$	170,364,000
General Fund Appropriation—Federal	\$	170,364,000
Total Appropriation	\$	340,728,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (2) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be at the January 1, 1981, reimbursement rate, adjusted for inflation at 9.8% for fiscal year 1982 and 8.7% for fiscal year 1983.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational

characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation shall be \$32.50 per month.

(8) \$3,777,000 (of which \$1,888,000 shall be from federal funds) shall be used for reimbursement of costs incurred from the training of nurses' assistants."

Reimburse the remaining sections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, line 4, strike everything down to and including the period on line 7.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Bottiger:

On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Marcus S. Gaspard.

PROTEST

April 7, 1981.

Mr. Sid Snyder
 Secretary of the Senate
 Third Floor
 Legislative Bldg.
 Olympia, Wa 98504

Dear Sid:

Pursuant to Senate Rule 34, I hereby request that my protest be entered into the Senate Journal and I would like to have entered how I would have voted on the attached amendments.

Sincerely,

Signed: Ruthe Ridder
 State Senator
 35th District.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:
On page 34, beginning on line 26, strike all of section 55 and insert:

"NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES GRANTS PROGRAM.

General Fund Appropriation—State	\$	141,300,000
General Fund Appropriation—Federal	\$	59,709,000
General Fund Appropriation—Local	\$	105,000
Total Appropriation	\$	201,114,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be expended solely for the migrant day care program.

(2) Not more than \$57,400,000 shall be expended for the provision of adult chore service payments.

(3) \$1,148,000 of the general fund—state appropriation shall be expended solely for the victims of domestic violence program.

(4) \$350,000 of the general fund—state appropriation shall be expended solely for the victims of sexual assault program.

(5) Not more than \$10,518,000 (of which \$8,884,000 shall be from state funds only) shall be expended for a 10 percent vendor rate increase beginning on July 1, 1982."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:
On page 27, beginning on line 28, strike all of subsection (2) of section 47 and

renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognild, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported these amendments.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:
On page 28, beginning on line 6, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:
On page 31, beginning on line 26, strike all of sections 52 and 53 and insert

"NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM.

General Fund Appropriation—State	\$	170,364,000
General Fund Appropriation—Federal	\$	170,364,000
Total Appropriation	\$	340,728,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (2) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be at the January 1, 1981, reimbursement rate, adjusted for inflation at 9.8% for fiscal year 1982 and 8.7% for fiscal year 1983.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation shall be \$32.50 per month.

(8) \$3,777,000 (of which \$1,888,000 shall be from federal funds) shall be used for reimbursement of costs incurred from the training of nurses' assistants."

Reumber the remaining sections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 34, beginning on line 13, strike all of section 54 and insert:

"NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE GRANTS PROGRAM.

General Fund Appropriation—State	\$	336,579,000
General Fund Appropriation—Federal	\$	368,000,000
Total Appropriation	\$	704,579,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$34,400,000 (of which \$17,200,000 shall be from state funds only) shall be expended for the Aid to Families with Dependent Children—Employable (AFDC-E) Program.

(2) Not more than \$7,700,000 (of which \$3,800,000 shall be from state funds only) shall be expended for the Federal Emergency Assistance (FEA) program with a 30-day, food only standard.

(3) Not more than \$9,500,000 in state funds only shall be expended for the General Assistance—Unemployable (GA-U) program for unemployable persons whose incapacity is anticipated to last more than 30 days."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 34, line 28, strike \$134,784,000" and insert \$135,724,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 34, line 31, strike \$205,116,000 and insert \$206,056,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 35, beginning on line 14, strike all of section 56 and insert:

"NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE GRANTS PROGRAM.

General Fund Appropriation—State	\$	277,386,000
General Fund Appropriation—Federal	\$	287,196,000
Total Appropriation	\$	564,582,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$13,400,000 (of which \$6,600,000 shall be from state funds only) shall be expended for the Aid to Families with Dependent Children—Employable (AFDC-E) program.

(2) Not more than \$6,200,000 (of which \$3,100,000 shall be from state funds only) shall be expended for the Federal Emergency Assistance (FEA) program with a 30-day food only standard.

(3) Not more than \$7,000,000 in state funds only shall be expended for the General Assistance—Unemployable (GA-U) program for unemployable persons whose incapacity to last more than 30 days.

(4) Not more than \$78,100,000 (of which \$39,000,000 shall be from state funds only) shall be expended for the Federal Assistance—Medical Care Only (FAMCO) Program.

(5) Not more than \$16,231,000 (of which \$8,372,000 shall be from state funds only) shall be expended for a 10 percent rate increase beginning on July 1, 1982 for all medical vendors other than hospitals or nursing homes.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 35, line 13, after "act." insert "(5) \$940,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be expended solely for long-term care for residential treatment for chronic alcoholics."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, line 2, strike everything down through the period on line 5.

I want it indicated in the Senate Journal that I supported this amendment.

Signed Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talley:

On page 41, line 25, there is added a new section to read as follows:

"NEW SECTION. Sec. 75. FOR THE OCEANOGRAPHIC COMMISSION OF WASHINGTON

General Fund Appropriation \$ 154,000"

Renumber the following sections.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bottiger and Wojahn:

On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Hansen:

On page 48, line 32, after "administration." add "not less than \$250,000 of the general fund—state appropriation shall be expended to carry out weed control programs in Washington state."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Gaspard and Wojahn:

On page 49, line 3 strike "\$13,295,000" and insert "\$14,569,000".

On page 49, line 7 strike "\$19,736,000" and insert "\$21,010,000".

On page 49, starting on line 13 strike all of subsection (2).

I want it indicated in the Senate Journal that I supported these amendments.

Signed: Ruthe Ridder.

Senate amendments to Substitute Senate Bill No. 3636, by Senators McDermott, Bauer and Gaspard:

On page 50, line 4, following "basis" strike all the material down through "units" on line 9.

On page 50, line 26, after "enrolled" strike all material down through "subsection" on line 30, page 50.

I want it indicated in the Senate Journal that I supported these amendments.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Goltz and Wojahn:

On page 55, section 91, line 32 strike "42,597,000" and insert "48,007,000"

On page 56, section 91, line 2, strike "less than \$438 and \$456" and insert "more than \$385 and \$400".

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 57, line 1, strike everything down to and including the period on line 17.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 57, line 20, strike "14,973,000" and insert "24,973,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendments to Substitute Senate Bill No. 3636, by Senator Fleming:

On page 57, line 20, strike "14,973,000" and insert "27,200,000" and on line 23, strike "14,973,000" and insert "27,200,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 68, following line 15, add a new subsection to read as follows:

"(2) \$10,000,000 shall be provided solely for the basic skills remediation program pursuant to RCW 28A.41.400 through RCW 28A.41.414."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Bauer and Fleming:

On page 61, line 21, strike "291,470,000" and insert "236,470,000" and on line 27 strike "348,379,000" and insert "343,879,000"

On page 61, line 33, strike "184,635,000" and insert "179,635,000" and on page 62, line 2, strike "198,635,000" and insert "193,635,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Conner:

On page 64, line 24, after line 24 insert:

"The appropriation contained in this section shall be subject to the following condition or limitation: \$330,000 of the general fund appropriation shall be expended solely for the Centrum Foundation."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Conner:

On page 64, line 26, after the period insert "In addition, the appropriation contained in this section shall be subject to the following condition or limitation; \$330,000 of the general fund appropriation shall be expended solely for the Centrum Foundation."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Moore:

On page 69, section 121, line 19, strike all of subsection (7) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Moore:

On page 69, line 22, strike all of subsection (7) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Ruthe Ridder.

PROTEST

Sid Snyder:

I have served with pride in this Senate for 24 years under the leadership of four governors.

It is extremely hard for me to accept the fact that we are not providing for the needs of our old and sick people who have no food or shelter, our mentally ill and retarded.

We are denying an education to some of our young by our enrollment limits; a chance of vocational training is practically gone. We are legislating away things our constitution guarantees.

I think we, as elected Senators, regardless of party, should send this budget back to committee and see if we can't do better. As I have stated, we can do better.

I want this entered in the Senate Journal.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Wojahn:

On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendments to Substitute Senate Bill No. 3636, by Senator Hurley:

On page 45, lines 8 and 9, strike "continuation of contractual agreements with Grays Harbor and Pacific counties for"

On page 45, line 10, after "Beach" add ", provided such patrol and law enforcement shall be carried out by the Washington state patrol and any existing agreement with Grays Harbor or Pacific counties for these purposes be terminated"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 28, beginning on line 5, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendments to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognild, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported these amendments.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 27, beginning on line 28, strike all of subsection (2) of section 47 and number the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 34, beginning on line 26, strike all of section 55 and insert:

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES GRANTS PROGRAM.

General Fund Appropriation—State	\$	141,300,000
General Fund Appropriation—Federal	\$	59,709,000
General Fund Appropriation—Local	\$	105,000
Total Appropriation	\$	201,114,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,335,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be expended solely for the migrant day care program.

(2) Not more than \$57,400,000 shall be expended for the provision of adult chore service payments.

(3) \$1,148,000 of the general fund—state appropriation shall be expended solely for the victims of domestic violence program.

(4) \$350,000 of the general fund—state appropriation shall be expended solely for the victims of sexual assault program.

(5) Not more than \$10,518,000 (of which \$8,884,000 shall be from state funds only) shall be expended for a 10 percent vendor rate increase beginning on July 1, 1982."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Don L. Talley.

PROTEST

April 6, 1981.

Mr. Sid Snyder
 Secretary of the Senate
 Third Floor
 Legislative Bldg.
 Olympia, WA 98504

Dear Sid:

Pursuant to Senate Rule 34, adopted on January 21, 1981, I hereby request that my personal protest be entered into the Senate Journal.

I protest that votes on proposed amendments to the 1981-83 biennial budget were not recorded. Further, I request that you enter into the Senate Journal how I voted on the amendments as indicated on the attached copies of the amendments which I have signed.

Thank you for your attention to this request.

Sincerely,
 Signed: Lorraine Wojahn
 State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Re-number sections consecutively and correct all internal references accordingly. I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 28, beginning on line 6, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 31, beginning on line 26, strike all of sections 52 and 53 and insert

"NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—NURSING HOMES PROGRAM.

General Fund Appropriation—State	\$	170,364,000
General Fund Appropriation—Federal	\$	170,364,000
Total Appropriation	\$	340,728,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The wages for nursing service personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours determined by the department of social and health services.

(2) The wages for all employees, other than those specified in subsection (1) of this section and administrators and assistant administrators, shall be the sum of the product of ninety percent of the prevailing wages, expressed as an hourly rate, based upon the state-wide salary survey as conducted pursuant to RCW 41.06.160, multiplied by the standard hours for such employees developed by the department of social and health services.

(3) Food reimbursement shall be at the January 1, 1981, reimbursement rate, adjusted for inflation at 9.8% for fiscal year 1982 and 8.7% for fiscal year 1983.

(4) Reimbursement for administration and operations will include all items not specified in subsections (1), (2), (3), (5), and (6) of this section and shall not exceed the eighty-fifth percentile of all reporting facilities, except that the nursing home facilities may be grouped by factors, other than ownership or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

(5) Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age, and type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper limit of the multiple regression formula for comparable owner-operated facilities.

(6) The return of net invested equity for each facility will be determined by utilizing Medicare rules and regulations.

(7) Patient personal needs allowance limitation shall be \$32.50 per month.

(8) \$3,777,000 (of which \$1,888,000 shall be from federal funds) shall be used for reimbursement of costs incurred from the training of nurses' assistants."

Renumber the remaining sections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:
On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Bottiger:
On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: R. Lorraine Wojahn.

PROTEST

April 6, 1981

Mr. Sid Snyder
Secretary of the Senate
Third Floor
Legislative Bldg.
Olympia, WA 98504

Dear Sid:

Under Rule 34, I register my protest regarding the actions of the Senate Republican Caucus on Saturday, April 4, 1981. Specifically, I protest their insistence that the Senate act on the omnibus budget bill, Substitute Senate Bill No. 3636, under the protective cloak of secrecy called the Committee of the Whole.

I request that my protest be entered into the Senate Journal and I want the Journal to indicate that I support the attached amendments.

Sincerely yours,
Signed: Lowell Peterson
State Senator.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott, Charnley and Hughes:

On page 15, after line 10 insert the following:

"NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	5,815,000
Special Fund Salary Increase and Employee Benefit		
Contribution Revolving Fund Appropriation	\$	1,659,000
Total Appropriation	\$	7,474,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund appropriation is to provide sufficient funds to begin implementation of a comparable worth program to correct disparities in state employee salaries: PROVIDED, That no funds may be expended from this appropriation until a proposal for implementation of the comparable worth program is prepared jointly by the state personnel board and the higher education personnel

board and approved prior to its implementation by the governor: PROVIDED FURTHER, That \$815,000 of this amount shall be from federal funds.

(2) The special fund salary increase and employee benefit contribution revolving fund appropriation is provided to facilitate payment of the costs of the comparable worth program from special funds. The state treasurer is hereby directed to transfer sufficient revenue from each special fund to the special fund salary increase and employee benefit contribution revolving fund in accordance with schedules provided by the office of financial management."

Renumber sections consecutively and correct all internal references accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Wojahn, Woody, Bauer, Vognil, McDermott and Gaspard:

On page 28, line 19, delete "\$205,085,000" and insert "\$206,125,000"

On page 28, line 23, after "than" delete "\$47,349,000" and insert "\$48,644,000"

On page 28, line 25, after "than" delete "\$16,906,000" and insert "\$17,946,000"

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott: On page 27, beginning on line 28, strike all of subsection (2) of section 47 and renumber the remaining subsections accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator McDermott:

On page 28, beginning on line 6, strike all of subsection (3) of section 47.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Goltz:

On page 31, line 25, after "program." add "In addition, \$532,197 shall be available from state funds for the CAMDY Project to continue to its evaluation and conclusion the pilot project for mentally disturbed youth and naive offenders in Whatcom County."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Ridder:

On page 34, beginning on line 13 insert a new subsection as follows:

"(5) State payment for medical care services shall not be provided to residents of any skilled nursing home, intermediate care facility, or intermediate care facility for the mentally retarded unless the facility agrees in writing that it will refrain from charging private patients ineligible for medical assistance rates for similar services which exceed by more than ten percent those rates which are approved by the department for medical assistance recipients under chapter 74.46 RCW. If the nursing home has no rates set under chapter 74.46, then the nursing home shall agree in writing that it will refrain from charging private patients rates for similar services which exceed by more than ten percent the state-wide average of rates approved by the department for medical assistance recipients: PROVIDED, That the nursing home may exceed the ten percent differential to the extent that it: (1) charges private patients a higher rate for a private room when requested by private

patients and (2) charges for special services, as determined by rule of the department, which are not included in the daily medical assistance rate if medical assistance recipients are charged separately on the same basis."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senators McDermott and Gaspard:

On page 36, line 4, after "biennium." insert:

"(3) That the appropriation contained in this section and payments to vendors made thereunder shall be made with equal participation and no discrimination involving any vendors licensed to deliver health care pursuant to chapters 18.25, 18.57, 18.71 and 18.88 RCW."

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senators Talmadge and Fleming:

On page 39, line 2, strike everything down to and including the period on line 5.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 6, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Talmadge:

On page 40, line 8, strike all of subsection (2) and renumber the remaining subsection.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

Senate amendment to Substitute Senate Bill No. 3636, by Senator Wojahn:

On page 45, lines 16 and 24, strike subsections (3) and (5) and renumber the remaining subsection accordingly.

I want it indicated in the Senate Journal that I supported this amendment.

Signed: Lowell Peterson.

MOTION

At 6:02 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Monday, April 6, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 6, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators von Reichbauer, Williams and Wojahn.

On motion of Senator Bottiger, Senator Williams was excused. The Color Guard, consisting of Pages Bruce Evans and Aaron Mason, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 10:35 a.m., on motion of Senator Clarke, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

REPORT OF STANDING COMMITTEE

March 31, 1981.

SUBSTITUTE HOUSE BILL NO. 112, enacting the Washington uniform limited partnership act (reported by Committee on Judiciary)

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoeh, Talmadge, Woody.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of gubernatorial appointments.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS**MOTION**

On motion of Senator Fuller, the appointment of Jacob Thomas as State Historic Preservation Officer was confirmed.

APPOINTMENT OF JACOB THOMAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 7; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Wilson, Zimmerman—41.

Absent or not voting: Senators Benitz, Guess, Hughes, Patterson, von Reichbauer, Wojahn, Woody—7.

Excused: Senator Williams—1.

MOTIONS

Senator Gould moved the Senate confirm the appointment of gubernatorial appointment 412, Nicholas D. Lewis as Chairman of the Energy Facility Site Evaluation Council.

On motion of Senator Bluechel, Senators Benitz and Guess were excused.

Senator Lysen requested the confirmation be held following consideration of gubernatorial appointment 414.

On motion of Senator Clarke, further consideration of gubernatorial appointment 412 was deferred following gubernatorial appointment 414.

MOTION

On motion of Senator Fuller, the appointment of Gayle Rothrock as a member of the Pollution Control Hearings Board was confirmed.

APPOINTMENT OF GAYLE ROTHROCK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Patterson, von Reichbauer—2.

Excused: Senators Benitz, Guess, Williams—3.

MOTION

Senator Deccio moved the appointment of Beverly A. Freeman as a member of the Hospital Commission be confirmed.

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, I read some place that there was a bill passed the House, abolished the hospital commission. Are you aware of that?"

Senator Deccio: "Yes, Senator, I have it in my committee. It does not abolish the hospital commission, it sunsets the commission in 1982 or '83, I am just not sure what the date, I think it is '82."

Senator Rasmussen: "Well, I wasn't, where was it in the bill, other than that, was traveling through the legislature, I was wondering if we were appointing somebody to a commission that would no longer exist."

Senator Deccio: "No, it is a sunset, not a termination."

The motion by Senator Deccio carried.

APPOINTMENT OF BEVERLY A. FREEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody, Zimmerman—44.

Absent or not voting: Senators Patterson, von Reichbauer—2.

Excused: Senators Benitz, Guess, Williams—3.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

The Senate resumed consideration of the gubernatorial appointment of Nicholas D. Lewis.

The motion by Senator Gould carried and Nicholas D. Lewis was confirmed as Chairman of the Energy Facility Site Evaluation Council.

APPOINTMENT OF NICHOLAS D. LEWIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 8; excused, 1. Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—40.

Voting nay: Senators Charnley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Wojahn—8.

Excused: Senator Williams—1.

MOTIONS

On motion of Senator Vognild, all members were permitted as additional sponsors to Senate Resolution 1981—47.

On motion of Senator Vognild, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981-47

By Senators Vognild, Moore, Bauer, Gould, Hughes, Woody, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn

Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, Washington State has been honored over the years to count among its citizens athletes of distinguished achievement; and

WHEREAS, Washington State is especially honored to have among its citizens a 19 year old Seattle Central Community College student who, since her childhood days in Spokane, has excelled in athletic pursuits, most notably as a high jumper; and

WHEREAS, Marie Eachon, as a student at the State School for the Deaf in Vancouver, moved into the championship ranks under the coaching of Delva Van Roekel, proved she has the determination — both in the classroom and in athletics — to succeed; and

WHEREAS, The courage and sensitivity of Marie's parents, Marilyn and Fred Eachon, offer an example to all parents for imparting to their daughter who was born without the sense of hearing, the will to win, to participate fully and excel in whatever endeavors she chose to invest her skills, concentration and dedication; and

WHEREAS, Having won all the qualifying trials by breaking previous records in the Class A Tricot League in Southwest Washington, and participating in the U.S. Field Trials, Marie has earned a place on the U.S. Track and Field Team for the World Olympics for the Deaf next July in Cologne, West Germany, and stands at the threshold of fulfilling a lifelong dream of meeting and competing against young people from around the world in international competition; and

WHEREAS, University of Washington track coach, Albert Bonney; his assistant, Maggie Garrison; Seattle Pacific University Track Coach and Olympic champion, Doris Brown Heritage, have volunteered their coaching talents to prepare Marie for the World Games; and

WHEREAS, Along with Marie Eachon of Lynnwood, currently attending Seattle Central Community College, our state will be represented by three other determined young athletes who have swept past their competition to win places on the U.S. team: Marty Yu, in wrestling, a graduate of Mount Tahoma High School in Tacoma and now attending the Rochester, New York, Institute of Technology; Beth Weber, in track, a graduate of Bellarmine Prep in Tacoma and now attending California State University — Northridge; and Charlita Jones of Seattle, also a graduate of the State School for the Deaf in Vancouver and a student at Seattle Central Community College; and

WHEREAS, The United Nations General Assembly has proclaimed 1981 the International Year of the Disabled Persons and has chosen the theme of "Full Participation by Disabled People." President Ronald Reagan and Governor John Spellman also have proclaimed 1981 the Year of the Disabled Persons in the United States and in Washington State; and

WHEREAS, Having distinguished themselves with their achievements in athletic competition, Marie, Beth, Marty and Charlita stand as brilliant examples of the courage and the determination of disabled citizens everywhere to reach the heights of achievement and excellence in their chosen endeavors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Legislature takes great pride in paying tribute to Washington's four young athletes who are destined to bring honor and prestige to the United States and to the citizens of Washington State, our schools, our coaches and most of all, our gifted young people of whom we are very, very proud; and

BE IT FURTHER RESOLVED, That the Washington State Legislature endorse and encourage the citizens and sports fans of Washington State to support the strenuous effort by the Eachon, Yu, Weber and Jones families and friends to provide the financial support to complete their training and travel to West Germany in July for the World Olympics for the Deaf; and

BE IT FURTHER RESOLVED, That the Legislature hereby recognizes and fully acknowledges that it is not a handicap to be disabled, to overcome the challenges of disabilities ... and win.

With consent of the Senate, business was suspended to permit the introduction of the guests who were seated on the rostrum.

Marie Eachon spoke through an interpreter to the Senate as did Charleta Jones. Also speaking were Marie Eachon's parents, Robert Devereau, the interpreter, and Delva Van Roekel, coach.

MOTION

At 12:28 p.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 624, by House Committee on Ways and Means (originally sponsored by House Committee on Appropriations-Human Services and Representatives Chandler, Granlund and Wang) (by Governor Spellman request):

Adopting a supplemental budget.

REPORT OF STANDING COMMITTEE

April 2, 1981.

ENGROSSED SECOND SUBSTITUTE BILL NO. 624, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in sections 2 through 6 of this 1981 act is hereby adopted and, subject to the provisions set forth in sections 2 through 6 of this 1981 act, the several amounts specified in sections 2 through 6 of this 1981 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS PROGRAM

General Fund Appropriation \$. 7,095,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$500,000 of this appropriation shall be contingent upon prior approval of the director of the office of financial management and shall be used exclusively to accommodate population increases above projected institutional bed

space capacity and community caseload capacity or to continue contracted community programs through the 1979-1981 biennium.

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

General Fund Appropriation \$ 1,200,000

The appropriation contained in this section shall be subject to the following conditions:

(1) \$750,000 is provided solely for Western State Hospital, of which \$200,000 is for the conversion of fuel costs.

(2) \$450,000 is provided solely for Eastern State Hospital.

NEW SECTION. Sec. 4. Expenditures for adult dental services shall be authorized for clients whose plans of treatment have been approved by the department of social and health services, and whose treatment has begun prior to March 1, 1981, and whose pre-authorized dental work in the judgment of the dentist, as re-examined and re-approved by the department of social and health services, must be completed to avoid severe medical problems resulting from the fact that the dental treatment begun prior to March 1, 1981, was left in an incomplete state.

NEW SECTION. Sec. 5. The adoption of this supplemental budget shall not be construed as a ratification by the legislature of any illegal expenditures made by any person and shall not excuse any person from liability that may exist as a result of such illegal expenditures.

NEW SECTION. Sec. 6. FOR THE SENATE

General Fund Appropriation \$ 350,000

Sec. 7. Section 13, chapter 245, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the general fund to the department of social and health services for the 1979-1981 biennium the sum of one million dollars (~~(, or so much as may be necessary,)~~) to carry out the purposes of this act. (~~(Seven hundred thousand dollars of the amount appropriated shall be used for grants to shelters under section 9 of this act. The remaining three hundred thousand dollars shall be used to fund sections 3, 5, and 6 of this act.)~~) Funds unexpended or unencumbered as of the effective date of this 1981 amendatory act may be transferred and expended for other programs of the department of social and health services with the approval of the office of financial management.

Sec. 8. Section 6, chapter 248, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

There is appropriated to the department of social and health services from the general fund, the sum of two hundred fifty thousand dollars (~~(, or so much thereof as may be necessary,)~~) to carry out the purposes of this act. Funds unexpended or unencumbered as of the effective date of this 1981 amendatory act may be transferred and expended for other programs of the department of social and health services with the approval of the office of financial management.

Sec. 9. Section 59, chapter 270, Laws of 1979 ex. sess. as last amended by section 20, chapter 5, Laws of 1981 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
INCOME MAINTENANCE GRANTS PROGRAM**

General Fund Appropriation—State	\$	362,698,000
General Fund Appropriation—Federal	\$	266,072,000
Total Appropriation	\$	628,770,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$1,496,000 from state funds shall be expended to increase the personal needs allowance of clients in nursing homes and congregate care facilities to \$32.50 per month.

(2) \$5,036,000 (of which \$448,000 shall be from federal funds) shall be expended solely for vendor rate increases of 7.0% per year.

(3) \$760,000 from state general funds (~~shall~~) may be expended to provide forty-eight hours of shelter care for victims of domestic violence.

(4) \$360,000 from state general funds may be expended to provide a variable one-time allowance for persons without resources who are discharged from a skilled nursing facility.

(5) \$900,000 of state funds and \$600,000 of federal funds shall be expended to place Kitsap county residents into Area I grant standards eligibility and pay such grants accordingly.

(6) Not more than \$1,869,000 shall be expended exclusively to increase compensation for employees of congregate care facilities, excluding administrative staff.

(7) From the appropriation contained in this section, the department shall implement a 1.0% grant standard increase for all public assistance recipients effective July 1, 1980, in addition to the grant increase provided in subsection (1) of this section; except that, up to an additional 2.0% grant standard increase for all public assistance recipients may be implemented from the savings generated by the supplemental security income cost-of-living increase provided for fiscal year 1981.

(8) \$1,834,000 (of which \$917,000 shall be from state funds) is provided for the federal emergency assistance program at the food only level.

Sec. 10. Section 4, chapter 137, Laws of 1980 (uncodified) is amended to read as follows:

There is appropriated to the department of social and health services from the general fund for the biennium ending June 30, 1981, the sum of two hundred seventy thousand dollars(~~(; or so much thereof as may be necessary;))~~ to carry out the purposes of this act(~~(; except that, if federal funds become available to carry out the purposes of this act, then state general fund moneys shall be conserved with federal funds)~~). Funds unexpended or unencumbered as of the effective date of this 1981 amendatory act may be transferred and expended for other programs of the department of social and health services with the approval of the office of financial management.

Sec. 11. Section 8, chapter 219, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

To carry out the provisions of this act there is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of three hundred fifty thousand dollars(~~(; or so much thereof as may be necessary)~~) to carry out the purposes of this act. Funds unexpended or unencumbered as of the effective date of this 1981 amendatory act may be transferred and expended for other programs of the department of social and health services with the approval of the office of financial management.

Sec. 12. Section 173, chapter 270, Laws of 1979 ex. sess. (uncodified) is amended to read as follows:

The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period July 1, 1979, to June 30, 1981.

SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims and for the reason that the state of Washington recognizes a moral obligation to these claimants. These

appropriations are to be disbursed on vouchers approved by the chief fiscal officer of the executive branch, except as otherwise provided, as follows:

(1)	HAROLD GIVENS, CARL KASZYCKI, Judgment against the state in Residents for a Planned Peninsula et al. vs. DSHS	\$	15,770.00
(2)	ARCHITECTURAL WOODS, INC., Judgment against the state in Architectural Woods vs. the State: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Architectural Woods, Inc. or by its directors prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims, except that the state may become liable for interest payment accruing from October 27, 1977, if, and only if, it is so ordered by the Supreme Court of Washington."	\$	36,615.23
(3)	DAVID PARKER AND DENTON P. ANDREWS, Payment of writ of mandate for costs assessed against the state in State vs. David C. Parker	\$	616.23
(4)	EVERGREEN PLAZA INVESTORS AND EVERGREEN DEVELOPMENT CORP., Judgment against the state in Evergreen Plaza Investors vs. Washington State Higher Education Assistance Authority, et al., for breach of contract	\$	7,937.70
(5)	LLOYD STEWART AND JOE McADAMS, Payment of costs assessed against the state in State vs. Lloyd Paul Stewart	\$	24.74
(6)	THOMAS M. WRIGHT, Payment of costs assessed against the state in State ex rel. Seeze vs. Thomas Marion Wright	\$	92.00
(7)	MOE BIRNBAUM, Payment of guardian ad litem services performed for the state: PROVIDED, That the state shall have subrogation rights to payment of such services against the defendant in State ex rel. Evon vs. David S. F. Fijalka	\$	200.00
(8)	GRACIE BROCK AND JOHN A. BARLOW, Payment of costs assessed against the state in dismissal of murder charge	\$	774.70
(9)	CHRISTIANSSEN BROTHERS, INC., Judgment on settlement agreement, together with accrual of interest at 8% per annum from June 6, 1977: PROVIDED, That payment come from the State Higher Education Construction Account	\$	204,120.00
(10)	STEVE TROUTMAN, Payment of cost bill and remittitur No. 44748 from Washington Supreme Court in State vs. Troutman	\$	522.94
(11)	UNION PACIFIC RAILROAD, Payment of settled amount for demurrage charges	\$	33,940.00

- (12) PHYLLIS ALM, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund..... \$ 211.27
- (13) EUGENIA STOWE, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund..... \$ 90.39
- (14) NARAMORE, BAIN, BRADY AND JOHANSON, ARCHITECTS, Final payment due on contract: PROVIDED, That payment shall come from the State Higher Education Construction Account: PROVIDED FURTHER, That the chief fiscal officer of the executive branch is directed and authorized to draw up a separate voucher, such voucher to be presigned by Naramore, et al., or its directors, prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the contract for services upon the physical sciences building at WSU." \$ 44,771.68
- (15) DAVID WEBB, Payment for unjust imprisonment: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by David Webb prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment of relief for unjust imprisonment." \$ 20,000.00
- (16) DAVID ABRAHAM BLOCH, Judgment for costs of dismissal of felony charge in State vs. Bloch \$ 110.00
- (17) RUTH PALMER, Payment pursuant to order of mandamus for costs assessed against the state in Palmer et al. vs. State Personnel Board \$ 107.00
- (18) BURRELL FINDLAY, Payment of claim for damage to certain heavy machinery incurred while performing voluntary emergency services for the highway department: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher to be presigned by Mr. Burrell Findlay prior to the release of the warrant, which voucher shall state: "By the receipt of this amount, the undersigned releases the state of Washington and all political subdivisions thereof, and their agents, from any further claim with regard to property damage incurred while performing volunteer services for the highway department..... \$ 13,000.00
- (19) DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Payment for claims outstanding

	submitted to the department after the 60-day statutory limit: PROVIDED, That such claims shall be paid at fifty percent of their approved value: PROVIDED FURTHER, That ((\$90,000)) <u>\$42,000</u> shall be from federal sources	\$	1,100,000.00
(20)	EDMOND WARD, Payment for loss of personal tools while such were under security protection of department of transportation	\$	167.84
(21)	RUSSELL E. JOHNSON, Payment for loss of personal tools while such were under security protection of department of transportation	\$	421.77
(22)	MRS. HARRY FOSTER, Payment of balance of deceased husband's retirement contributions: PROVIDED, That such payment shall represent full and complete satisfaction of this obligation by the state((: PROVIDED FURTHER, That payment shall come from the Judges' Retirement Systems Fund))	\$	1,488.99
(23)	MRS. DEL CARY SMITH, Payment in full of deceased husband's retirement contributions((: such payment to come from the Judges' Retirement Systems Fund))	\$	15,836.36
(24)	WILLIAM VAN KLAVEREN, Payment of retirement contributions: PROVIDED, That payment shall come from the Retirement Systems Fund	\$	550.72
(25)	FLORENCE R. STANDING, Payment for relief, plus interest, for death of the husband of Florence Standing in the amount which would have been payable under the Victims of Crimes Act if section 8, chapter 302, Laws of 1977 ex. sess. had been made retroactive to apply to Florence Standing's claim: PROVIDED, That this retroactive payment of relief measured by the Victims of Crimes Act does not preclude the claimant from seeking additional judicial relief.	\$	10,290.00
(26)	VIRGIL PRICE, Payment for watch stolen during holdup of state liquor store: PROVIDED, That payment shall come from the Liquor Revolving Fund—State	\$	150.00
(27)	GRACE AND GEORGE BURTON, For relief of the death of their daughter, payment of the amount provided for under the Victims of Crimes Act: PROVIDED, That this retroactive payment of relief does not preclude the claimant from seeking additional judicial relief	\$	1,182.00
(28)	UNITED NURSING HOMES, ET AL., Plaintiffs in Thurston County Superior Court cases 55007 and 55613, to be disbursed by the court upon recommendation of the settlement reviewer pursuant to agreed judgment entered on December 28, 1978: PROVIDED, That the department shall seek reimbursement of not less than ((\$4,100,000)) <u>\$4,067,610</u> from federal matching funds	\$	8,200,000.00

(29) Seattle Community College District for reimbursement of payment for judgment against the district in Rodrigo L. Barron, et al. v. State \$ 100,000.00

NEW SECTION. Sec. 1. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "state agencies;" strike the remainder of the title and insert "adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; amending section 13, chapter 245, Laws of 1979 ex. sess. (uncodified); amending section 6, chapter 248, Laws of 1979 ex. sess. (uncodified); amending section 59, chapter 270, Laws of 1979 ex. sess. as last amended by section 20, chapter 5, Laws of 1981 (uncodified); amending section 4, chapter 137, Laws of 1980 (uncodified); amending section 8, chapter 219, Laws of 1979 ex. sess. (uncodified); amending section 173, chapter 270, Laws of 1979 ex. sess. (uncodified); creating new sections; and declaring an emergency."

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

MOTION

Senator Clarke moved the Senate do now resolve itself into a Committee of the Whole for the purpose of considering Engrossed Second Substitute House Bill No. 624.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate do now resolve itself into a Committee of the Whole for the purpose of considering Engrossed Second Substitute House Bill No. 624.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 24; nays, 22; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody—22.

Absent or not voting: Senators Lysen, Pullen—2.

Excused: Senator Williams—1.

MOTION

At 1:13 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 1:33 p.m.

COMMITTEE OF THE WHOLE

The motion by Senator Clarke carried and the Senate resolved itself into a Committee of the Whole, President Pro Tempore Guess in the Chair, for the purpose of considering Engrossed Substitute House Bill No. 624.

Engrossed Second Substitute House Bill No. 624 was considered in the Committee of the Whole and reported back to the Senate, President Pro Tempore Guess presiding, with the recommendation that it do pass as amended.

On motion of Senator Guess, the report of the committee was adopted.

On motion of Senator Scott, the reading had in the Committee of the Whole was considered the second reading of Engrossed Second Substitute House Bill No. 624.

On motion of Senator Scott, the committee amendment to Engrossed Second Substitute House Bill No. 624, adopted in the Committee of the Whole, was adopted by the Senate.

On motion of Senator Scott, the following amendment to the committee amendment adopted in the Committee of the Whole was adopted by the Senate:

On page 10, beginning on line 16, strike all material down through line 29.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Second Substitute House Bill No. 624, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 624, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—48.

Excused: Senator Williams—1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 624, 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

At 2:41 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Tuesday, April 7, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 7, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Nancy Cook and Eric Evans, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

March 31, 1981.

SUBSTITUTE HOUSE BILL NO. 222, adopting the Uniform Law Commission's 1972 amendment to the Uniform Commercial Code (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

Office of the Governor, April 6, 1981.

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:

Anthony J. Whyte, appointed March 20, 1981, for a term ending June 30, 1981, succeeding Yoshio Kosai as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ray E. Corpuz, Jr., reappointed March 20, 1981, for a term ending June 30, 1983, as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Teruko Ogata Daniel, reappointed March 20, 1981 for a term ending June 30, 1983, as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

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:

Pio DeCano, II, appointed March 20, 1981 for a term ending June 30, 1983, succeeding Raymond T. Lew as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

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:

Davis M. Garabato, Jr., appointed March 20, 1981 for a term ending June 30, 1983, succeeding Tony P. Borromeo, Jr., as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Wendy F. Hamai, reappointed March 20, 1981 for a term ending June 30, 1983, as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

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:

Sun Y. Pang, appointed March 20, 1981 for a term ending June 30, 1983, succeeding James M. Mar as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

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:

Pao Vue, appointed March 20, 1981 for a term ending June 30, 1983, succeeding Takeshi Kubota as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Professor H. T. Wong, reappointed March 20, 1981, for a term ending June 30, 1983, as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

Office of the Governor, April 6, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Gary L. Ikeda, reappointed July 1, 1981, for a term ending June 30, 1984, as a member of the Commission on Asian-American Affairs.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on State Government.

MOTION

Senator Clarke moved that all measures on the Regular Second Reading Calendar be returned to the Committee on Rules with the exception of the

following: Senate Bills 3554, 3307, 3084, 3287, 3242, 4119, 3263 and Senate Joint Resolutions 111 and 115.

POINT OF INQUIRY

Senator Goltz: "Senator Clarke, if a bill includes a fee or ability for a local unit of government to increase its revenue, would that be eligible under the cutoff?"

Senator Clarke: "Senator, that is not a matter that I would be ruling upon, the President would be ruling upon that and if you have some of those bills that you would like to have considered individually, then I suggest that you move to amend my motion by adding that particular bill to those that are not referred to rules."

On motion of Senator Goltz, Senate Bill No. 3390 will be included in the exceptions and whether that bill survives the cutoff will be decided when the bill reaches the calendar.

On motion of Senator Bottiger, there being no objection, Senate Bill No. 3931 is also excepted from the measures being returned to rules.

The motion by Senator Clarke, as amended, carried.

MOTIONS

Senator Clarke moved all measures on the Consent Calendar be returned to the Committee on Rules with the exception of the following: Senate Bills 3726, 3355, 3928, 3534, 3612, 3796, 3884 and 3204.

On motion of Senator Bottiger, Senate Bill No. 3512 will also be excepted from the measures to be returned to the Committee on Rules.

The motion by Senator Clarke, as amended, carried.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of the remaining bills on the Consent Calendar.

SECOND READING

SENATE BILL NO. 3726, by Senators Scott, Craswell, Gallagher and Gould: Providing for higher interest rates on delinquent property taxes.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3726 was substituted for Senate Bill No. 3726, and the substitute bill was placed on second reading and read the second time in full.

President Pro Tempore Guess assumed the Chair.

Senator Ridder moved the following amendments by Senators Ridder, Gaspard and Bauer be considered and adopted simultaneously:

On page 1, line 17, after "the" strike "greater" and insert "lesser"

On page 1, line 24, after "exceeds" strike "twenty" and insert "twelve"

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Zimmerman, what about the people that are desperate and cannot pay their taxes?"

Senator Zimmerman: "I think that the bill does certainly offer the opportunity for some of that to be taken care of and I am certainly aware that there will be some situations that are going to be difficult. But in this particular instance, I think we are really looking at the big total, the big totals that have been abusing it."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

President Cherberg resumed the Chair.

The President declared the question before the Senate to be the roll call on the amendments by Senators Ridder, Gaspard and Bauer.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Shinpoch—1.

Senator Ridder moved adoption of the following amendment by Senators Ridder, Gaspard and Bauer:

On page 1, line 26, after "the" strike "eligibility qualifications" and insert "income requirements"

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Ridder, Gaspard and Bauer.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Ridder moved adoption of the following amendment by Senators Ridder, Gaspard and Bauer:

On page 4, line 8, after "of" strike "~~(five)~~ three" and insert "five"

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Yes, a couple of questions. If Senator Hansen's neighbor were 58, where would she be? She is not eligible for that tax deferral program. She may have a very limited income and that may not include enough money to cover the taxes for her very inflated property and her opportunities for employment at that age are severely limited even though we have laws against age discrimination.

"Senator Newhouse is off the floor; I would ask him to yield because he said there was a way we could take care of those people and I would like to know that for the benefit of those people who come to me as Senator Moore's constituents came to him last spring. Senator Newhouse, you had mentioned that there were ways of taking care of those situations, if someone was not able to pay their taxes."

Senator Newhouse: "Obviously we have exemptions for taxes for senior citizens which is largely what people are talking about."

Senator Ridder: "Well, no, I just mentioned someone who is 58 who has a pension and very little income isn't eligible for the tax deferral, or was that the program that you meant? I just wish I knew what you had been referring to."

Further debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Ridder, even assuming that this 58-year-old person could secure a second mortgage, what interest rate would they be paying on that mortgage?"

Senator Ridder: "Well, I assume from what Senator Newhouse and Senator Scott mentioned, no, Senator Jones I think, 14% at least. I do not know how many of you have tried to borrow even on a standard mortgage of somebody who is fairly employable. Since my husband retired, we wanted to help our daughter in buying a home. We had to have our employed son co-sign; I have to tell you Senate salary even if you own some property, is not sufficient to borrow on a small one-family home.

"I would suggest you know you are living off your capital if you borrow on a second mortgage; and I think by the time that five years is up, that misstatement I made to Senator Newhouse earlier, would have been true."

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Ridder, Gaspard and Bauer.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

There being no objection, on motion of Senator Ridder, an amendment by Senators Ridder, Gaspard and Bauer to page 4, line 13 on the desk of the Secretary of the Senate was withdrawn.

Senator Scott moved the rules be suspended, Substitute Senate Bill No. 3726 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Rasmussen demanded a roll call.

There being no objection, on motion of Senator Scott, the motion to advance Substitute Senate Bill No. 3726 was withdrawn.

Substitute Senate Bill No. 3726 was passed to the Committee on Rules for third reading.

SECOND READING

SENATE BILL NO. 3355, by Senators Hansen, Deccio, Gaspard, Wilson and Jones (by Department of Agriculture request):

Making miscellaneous changes in laws regulated by department of agriculture or director thereof.

The Senate resumed consideration of Senate Bill No. 3355. On March 30, 1981, a committee amendment was adopted and Senator Hansen had moved adoption of the committee amendment to page 13, beginning on line 9.

The motion by Senator Hansen carried and the committee amendment was adopted.

On motion of Senator Benitz, the following amendment was adopted:

On page 32, after line 9, insert the following:

"(6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor."

On motion of Senator Benitz, the rules were suspended, Engrossed Senate Bill No. 3355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, a person wilfully, maliciously killing honey bees is guilty of a misdemeanor rather than tend a hundred dollar fine. What fine would be subject to . . . misdemeanor, two hundred and fifty dollars, up to?"

Senator Benitz: "That question could be answered by a member of the judiciary committee."

Senator Rasmussen: "Who imposes a fine? Do they go to court and are they entitled to a jury trial? I happened to kill one or two honey bees in my life and I just did not want to get stung on this bill."

Senator Benitz: "I do not think you have any problem. This addresses the commercial operation of the bees and would probably not be heard at all unless someone walked into the middle of the beehives and started kicking them over or putting chemical in illegally, that is what it addresses."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, Senator Rasmussen, I think Senator Bottiger raised that question the other day and we held this bill back; and as I recall, Senator Bottiger, you found that there are other portions of the statute that already make this a misdemeanor and it is no change from existing laws, is that right?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, that is correct. Much to my surprise, in 1931, the legislature made it a misdemeanor to kill a honey bee, and so I guess that is. . . ."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3355, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurlley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SENATE BILL NO. 3355, 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.

POINT OF ORDER

Senator Shinpoch: "Mr. President, I would like to request a ruling of whether Senate Bill 3928 is properly before us. Does it meet the requirements of the cutoff resolution?"

MOTION

On motion of Senator Clarke, Senate Bill No. 3928, together with the Point of Order by Senator Shinpoch, was ordered held for consideration at a later time.

SECOND READING

SENATE BILL NO. 3534, by Senators Moore and Gallagher:
Revising laws relating to sewer and water districts.

MOTIONS

On motion of Senator Zimmerman, Substitute Senate Bill No. 3534 was substituted for Senate Bill No. 3534, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Zimmerman, the rules were suspended, Substitute Senate Bill No. 3534 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3534, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 3534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3612, by Senators Hurley, Zimmerman, Goltz and Fuller:

Establishing a state parks campsite reservation and information system.

MOTION

On motion of Senator Ridder, Senator Woody was excused.

The bill was read the second time by sections.

On motion of Senator Fuller, the rules were suspended, Senate Bill No. 3612 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3612, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Zimmerman—44.

Voting nay: Senators Guess, Jones, Quigg, von Reichbauer—4.

Excused: Senator Woody—1.

SENATE BILL NO. 3612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3928, by Senators Clarke and Deccio (by Department of General Administration request):

Revising laws relating to industrial loan companies.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Shinpoch earlier today, Senate Bill 3928 is a measure which revises the laws relating to industrial loan companies. The bill includes within its provisions an increase in fees charged to industrial loan companies.

"The President therefore finds that Senate Bill No. 3928 is a measure relating to revenue and that it may be properly considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

Senate Bill No. 3928 is properly before the Senate

REPORT OF STANDING COMMITTEE

March 20, 1981.

SENATE BILL NO. 3928, revising laws relating to industrial loan companies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 24, after "estate" strike "for" and insert "((for)) with a total note, less interest and investigation fee in"

On page 5, line 25, after "excess of" strike "seventy-five" and insert "((seventy-five)) ninety"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

On motion of Senator Bottiger, an amendment to page 5, line 27, on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Bottiger, the following amendment was adopted:

On page 5, line 27, after "same" insert "": PROVIDED, That for any such loan with a term in excess of two years, the interest rate charged shall not exceed twenty-five percent per annum"

On motion of Senator Sellar, the rules were suspended, Engrossed Senate Bill No. 3928 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3928, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Zimmerman—43.

Voting nay: Senators Metcalf, Rasmussen, Shipoch, Wilson, Wojahn—5.

Excused: Senator Woody—1.

ENGROSSED SENATE BILL NO. 3928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3796, by Senators Benitz, Charnley and Jones:

Modifying provisions relating to intoxicating liquor.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Senate Bill No. 3796 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3796, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—45.

Voting nay: Senators Goltz, Pullen—2.

Absent or not voting: Senator Metcalf—1.

Excused: Senator Woody—1.

SENATE BILL NO. 3796, 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.

MOTIONS

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

On motion of Senator Lee, the Committee on Energy and Utilities was relieved from further consideration of House Bill No. 304.

On motion of Senator Lee, House Bill No. 304 was rereferred to the Committee on Local Government.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of Engrossed House Bill No. 386.

On motion of Senator Lee, Engrossed House Bill No. 386 was rereferred to the Committee on Parks and Ecology.

On motion of Senator Lee, the Committee on Parks and Ecology was relieved from further consideration of Engrossed House Bill No. 371 and Engrossed House Bill No. 372.

On motion of Senator Lee, Engrossed House Bill No. 371 and Engrossed House Bill No. 372 were rereferred to the Committee on Natural Resources.

On motion of Senator Lee, the Committee on Natural Resources was relieved from further consideration of Substitute House Bill No. 116.

On motion of Senator Lee, Substitute House Bill No. 116 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Local Government was relieved from further consideration of House Bill No. 697.

On motion of Senator Lee, House Bill No. 697 was rereferred to the Judiciary Committee.

On motion of Senator Lee, the Committee on Education was relieved from further consideration of Senate Bills 3989, 4223 and 4224.

On motion of Senator Lee, Senate Bills 3989, 4223 and 4224 were rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Judiciary Committee was relieved from further consideration of Engrossed Second Substitute House Bill No. 235.

On motion of Senator Lee, Engrossed Second Substitute House Bill No. 235 was rereferred to the Committee on Social and Health Services.

MOTION

Senator Clarke moved that the Regular Calendar and Consent Calendar be consolidated and the three remaining bills on the Consent Calendar appear at the beginning of the Calendar for April 8, 1981.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on Senate Bill 3931. Senate Bill 3931 is a measure which revises the current law relating to public employee deferred compensation plans.

"The President therefore finds that Senate Bill 3931 is not a measure relating to revenue and that it may not properly be considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

Senate Bill No. 3931 is not properly before the Senate.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on Senate Bill No. 3390. Senate Bill No. 3390 is a measure which expands the assessment powers of parking and business improvement areas in order to provide revenue for management of and promotion of those areas.

"The President therefore finds that Substitute Senate Bill No. 3390 is a measure relating to revenue and that it may be properly considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

Substitute Senate Bill No. 3390 is properly before the Senate.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on Substitute Senate Bill 3512. Substitute Senate Bill No. 3512 is a measure which deals with the subject of fire protection district annexation laws.

"The President therefore finds that Substitute Senate Bill 3512 is not a measure relating to revenue and that it may not properly be considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

Substitute Senate Bill No. 3512 is not properly before the Senate.

RULING BY THE PRESIDENT

The President: "In ruling upon Substitute Senate Bill No. 3204. Substitute Senate Bill No. 3204 is a measure which provides for the formation of a commercial fishermen's commission. The bill includes within its provisions an assessment against fishermen if a majority of those licensed vote to establish the commission.

"The President therefore finds that Substitute Senate Bill 3204 is a measure relating to revenue and that it may be properly considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

Substitute Senate Bill No. 3204 is properly before the Senate.

MOTION

On motion of Senator Clarke, Senate Bill No. 3931 and Substitute Senate Bill No. 3512 were referred to the Committee on Rules.

The motion by Senator Clarke carried. The Regular Calendar and Consent Calendar will be consolidated and the three remaining bills on the Consent Calendar will appear at the beginning of the Calendar for April 8, 1981.

PARLIAMENTARY INQUIRY

Senator Talley: "You said these would go back to rules. They won't go back on the white sheet, will they? Aren't the bills dead now?"

Senator Clarke: "That is a matter for the rules committee to determine, Senator."

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

REPORTS OF STANDING COMMITTEES

April 6, 1981.

SENATE BILL NO. 3381, imposing motorcycle safety programs (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3381 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for Second Reading.

April 6, 1981.

HOUSE BILL NO. 464, creating educational grant fund (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for Second Reading.

GUBERNATORIAL APPOINTMENT

April 6, 1981.

W. HUNTER SIMPSON, to the position of member of the Board of Regents for the University of Washington, appointed by the Governor on February 27, 1981 for the term ending September 30, 1986, succeeding David L. Cohn (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shipoch, von Reichbauer.

Passed to Committee on Rules for Second Reading.

MOTION

At 12:50 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Wednesday, April 8, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 8, 1981.

The President called the Senate to order at 10:30 a.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 11:00 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senator Hansen.

The Color Guard, consisting of Pages Anna Prata and Cathy Clapham, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Gallagher: "Mr. President, ladies and gentlemen of the Senate.

"The seedlings you see on your desk today are to commemorate the 109th anniversary of Arbor Day, and to remind you that it is Arbor Day. Washington legislators officially recognized Arbor Day in 1957 as a means to reaffirm the importance of our tree industry in the state.

"These seedlings, donated by the Industrial Forestry Association, should symbolize to all of us the vital role which our trees play in our environment and our economy."

REPORT OF STANDING COMMITTEE

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 55, revising the law pertaining to the adjutant general and military department (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

The Secretary commenced reading the Committee Report on Engrossed House Bill No. 83.

MOTION

Senator Haley moved that Engrossed House Bill No. 83 be rereferred to the Committee on Higher Education.

MOTION

On motion of Senator Clarke, the Committee Report, together with the motion by Senator Haley, was ordered held at the end of the Standing Committee report list.

REPORTS OF STANDING COMMITTEES

April 7, 1981.

HOUSE BILL NO. 105, permitting the port commission to waive the rent security requirement (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 171, limiting electrical inspection fees (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 176, providing for competitive selection of architects and engineers on public construction projects (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 190, authorizing the state auditor to define accounting terms for certain city budgets (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 191, providing for the transfer of moneys between funds of a unit of local government (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 6, 1981.

ENGROSSED HOUSE BILL NO. 204, revising laws regulating hulk haulers, vehicle repairment, rebuilders, restorers, wreckers, and scrap processors (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Talley.

Passed to Committee on Rules for second reading.

April 6, 1981.

SUBSTITUTE HOUSE BILL NO. 266, creating the state council on aging (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 6, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, modifying regulations governing funeral directors and embalmers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 347, regulating therapeutic homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 352, revising laws relating to sewer and water districts (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 381, modifying procedures applicable to conditionally released persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 6, 1981.

SUBSTITUTE HOUSE BILL NO. 421, authorizing transfer of convicts between the state and foreign countries pursuant to treaty (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore.

Passed to Committee on Rules for second reading.

April 6, 1981.

SUBSTITUTE HOUSE BILL NO. 430, authorizing leaves of absence for inmates to receive medical care or participate in volunteer community service work (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 435, authorizing state participating in interstate corrections compacts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

April 6, 1981.

ENGROSSED HOUSE BILL NO. 441, providing for the siting of state correctional facilities (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Ridder.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 551, extending authority of port districts to operate rail lines (reported by Committee on Local Government):

Recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Lee, McCaslin, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711, providing reimbursement for school district transportation costs only to school geographically nearest or next-nearest to student's place of residence (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 721, requiring the termination of the medical care only program (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

The Secretary commenced reading the Committee Report on Gubernatorial Appointment 424, Eustace "Sonny" Vynne.

PARLIAMENTARY INQUIRY

Senator Williams: "Point of order, Mr. Chairman. Yes, Mr. President.

"Gubernatorial appointment, Mr. 'Sonny' Vynne, as a member of the parks and ecology committee, I have some question as to what the status of that appointment is. I recognize that the committee voted on it yesterday; however, as I understand it, I believe the appointment itself was before the body or on the desk. Could you give us information as to where that appointment is?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Williams, the gubernatorial appointment of Mr. Eustace 'Sonny' Vynne, Jr., as a member of the state parks and recreation commission, was on the desk of the Secretary pending a ruling or answer to an inquiry by Senator Hurley."

PARLIAMENTARY INQUIRY

Senator Williams: "That being the case, then the action by the committee really was not proper or. . . ."

President Cherberg: "The President believes that your remarks are well taken, Senator Williams."

Senator Williams: "In other words, may I ask then, where that appointment is at this point in time?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the proper procedure would be to reply to Senator Hurley's point of order."

RULING BY THE PRESIDENT

President Cherberg: "The President finds that the preceding discussion on Senator Hurley's Point of Order established the following:

"The motion recommending Eustace 'Sonny' Vynne, Jr., as a member of the State Parks and Recreation Commission received a 5-5 tie vote in the Parks and Ecology Committee.

"Senate Rule 21(5) provides in part that 'The passage of a bill or action on a question is lost by a tie vote. . . .' Senate Rules are applicable to committee action where appropriate (Rule 74, Reed's).

"Therefore, the Report of the Parks and Ecology Committee on the appointment of Eustace 'Sonny' Vynne, Jr., is not properly before the Senate and thus Senator Hurley's Point of Order is well taken."

POINT OF ORDER

Senator Hurley: "My point of order is that the signup sheet relating to gubernatorial appointment 424 is again illegally before the Senate, because the bill itself was not in the possession. . . ."

REPLY BY THE PRESIDENT

President Cherberg: "The President just ruled on that particular point, Senator Hurley."

PARLIAMENTARY INQUIRY

Senator Clarke: "In view of the President's ruling, does this mean that the appointment is still in the committee?"

REPLY BY THE PRESIDENT

President Cherberg: "Technically, it will be returned to the committee, Senator, for any action the committee may. . . ."

Senator Clarke: ". . . it will be returned to the committee?"

President Cherberg: "Yes, sir."

REPORTS OF STANDING COMMITTEES

April 6, 1981.

SUBSTITUTE HOUSE BILL NO. 349, authorizing a regional cultural arts and convention facility (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 367, clarifying registration requirements for contractors (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 438, requiring contractors to post prevailing wage information at public works job sites (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 456, revising laws relating to storage of agricultural commodities (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Hansen, Wilson.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 681, implementing law relating to electrical installations with reference to medical devices and equipment (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 6, 1981.

SHERRY AVENA, to the position of Member of the Public Broadcasting Commission, appointed by the Governor on January 19, 1981 for the term ending June 19, 1984 (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules.

April 6, 1981:

CONRAD D. EDWARDS, to the position of Member of the Public Broadcasting Commission, appointed by the Governor on January 19, 1981 for the term ending June 19, 1982 (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Jones, Hurley, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 6, 1981.

VICKI S. MC NEILL, to the position of Member of the Public Broadcasting Commission, appointed by the Governor on January 19, 1981 for the term ending June 19, 1983 (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules.

April 6, 1981.

C. T. WRIGHT, PH.D., to the position of Member of the Public Broadcasting Commission, appointed by the Governor on January 19, 1981 for the term ending June 19, 1983 (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules.

April 6, 1981.

ENGROSSED HOUSE BILL NO. 83, modifying the regulation of optometry (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Moore, Ridder, Talmadge.

MINORITY recommendation: Do not pass.

Signed by: Senators McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 3, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise you that on April 3, 1981, Governor Spellman approved the following Senate Bill entitled:

SENATE BILL NO. 3213: Relating to electrified public streetcar lines.

Sincerely,

MARILYN SHOWALTER

Counsel.

GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 7, 1981.

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:

David H. Palmer, appointed April 2, 1981, for a term ending January 21, 1985, succeeding George L. Bradley as a member of the State Board of Pharmacy.

Sincerely,

JOHN SPELLMAN

Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, April 7, 1981.

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:

Mr. Edyrn H. Jones, appointed April 2, 1981, for a term ending January 21, 1985, succeeding Gertrude H. Reavis as a member of the State Board of Pharmacy.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, April 7, 1981.

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:

Lee R. Cox, appointed April 2, 1981, for a term ending July 1, 1983, succeeding Lowell D. Haugen as a member of the Emergency Medical Services Committee.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, April 7, 1981.

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:

Vincent L. Stevens, Ph.D., appointed April 3, 1981, for a term ending December 31, 1981, as Chairman of the State Health Coordinating Council.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, April 7, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Walter T. Hubbard, reappointed April 16, 1981, for a term ending April 15, 1986, as a member of the Board of Prison Terms and Paroles.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

MESSAGES FROM THE HOUSE

April 7, 1981.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 274,

SUBSTITUTE HOUSE BILL NO. 388, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 7, 1981.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 3076,

SENATE BILL NO. 3221, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 274, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell):

Modifying licensing procedures for practical nurses.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 388, by Committee on Appropriations—Human Services (originally sponsored by Representatives Houchen, Becker, Leonard, Heck, Garrett, Patrick, Barr, Gruger, Rinehart, Burns, Lux, Maxie, Valle, Sommers, Nelson (D), Pruitt, Rust, Hine and Brekke) (by Governor Spellman request):

Authorizing local jail improvement and construction bonds.

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3076,

SENATE BILL NO. 3221.

MOTIONS

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

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981-49.

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1981-49

By Senators Hayner, Hurley, Jones and Haley:

WHEREAS, The Washington Association of Future Homemakers of America, popularly known as the FHA, which is sponsored by the Washington State Superintendent of Public Instruction, celebrated its thirty-fifth anniversary in 1980; and

WHEREAS, The FHA is an organization of thousands of home economics students, both girls and boys, in junior and senior high schools throughout the State of Washington who are extremely interested in leadership training through home, school and community participation; and

WHEREAS, These young American leaders feel it is important to develop an interest in home economics, home economics careers and other related occupations; and

WHEREAS, They strive to encourage democracy through cooperative action in the home and in the community and to become aware of the multiple roles of men and women in today's society; and

WHEREAS, The people of the State of Washington recognize the contributions the Washington Association of Future Homemakers of America has made to the state and to its youth;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the Washington Future Homemakers for thirty-five years of family and community service, and expresses its sincere appreciation for the multitude of projects undertaken for the benefit of our communities; and

BE IT FURTHER RESOLVED, That the Senate commends Amy Montierth, of Mesa, Washington, who has been honored for her services to the organization by being selected the 1981 National President; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to the Washington Association of Future Homemakers of America, to Amy Montierth, and to each active chapter within the State of Washington.

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981-42.

On motion of Senator Hughes, the following resolution was adopted:

SENATE RESOLUTION 1981-42

By Senators Hughes, Hurley, Conner, Woody, Bauer, Hansen, Charnley, Shinpoch, Ridder, Williams, Fleming, Rasmussen, Talley, Bottiger, Peterson, Gaspard, Wojahn, Vognild, Lysen, Talmadge, Moore, McDermott, Goltz and Wilson:

WHEREAS, John Joseph Porter has served the people of the City of Spokane and the State of Washington for thirty-one years in the area of fire protection and prevention; and

WHEREAS, He has exhibited a deep sense of loyalty, exemplary dedication, and the highest professional standards in his public service; and

WHEREAS, He has continually and diligently worked for the well-being of the people by fighting any effort to compromise the safety of life; and

WHEREAS, As a loyal public servant he has made significant contributions to the quality of life in Spokane and the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that we pause to honor him and commend him, and show him the deep respect and appreciation that we, and the people of Washington State, have for him and his work as a public servant; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to John Joseph Porter.

REMARKS BY SENATOR HUGHES

Senator Hughes: "Every now and then the Senate provides an opportunity to say 'Thank you' to someone who has served in the true ideals of the public servant, with judgment, with integrity, and perhaps most of all, with political courage.

"Jack Porter is one of those people. We are all well aware of the horrors of the fires of Las Vegas the last few months. It is now a very popular issue to be concerned about fire standards. Jack Porter has dedicated thirty-one years to that service and he constantly battled with some of his colleagues because he has refused to compromise on those standards. And of all the individuals I have had the opportunity to observe for a lengthy period of time, I would say that Jack Porter has done more to represent the interests of the people than any public servant I have had the opportunity to work with.

"I am pleased that all the members on my side of the aisle join with me to sign this resolution. I am hopeful that members on the other side of the aisle will do also.

"Jack Porter is truly a man of courage; he deserves our recognition today."

REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President, I want to join with Senator Hughes and commend this outstanding example of courageous and honorable public servant. He is respected and honored by all of the population of the City of Spokane.

"I recommend the adoption of the resolution."

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981-50.

MOTION

On motion of Senator Bluechel, the following resolution was adopted:

SENATE RESOLUTION 1981-50

By Senators Bluechel, Gaspard, Hemstad, McDermott and Metcalf:

WHEREAS, The House of Representatives has superior numbers and is sometimes noted for hasty actions;

WHEREAS, The Senate has a tradition of quality of performance albeit sometimes slow deliberations;

WHEREAS, It is in the best interests of the State of Washington to encourage interactions between the two chambers of the Legislature;

WHEREAS, Any activity of the Legislature naturally attracts the interests and sometimes the participation, of those most concerned by-standers in the Third House and the Fourth Estate;

NOW, THEREFORE, BE IT RESOLVED, That the Senate challenge the House of Representatives to participate in the First Annual Legislative Fun Run, such run to be held on April 20, 1981, commencing at 8:30 a.m. from the Legislative Building proceeding around Capitol Lake through historic Tumwater and returning in time to conduct the state's business of the day;

AND, BE IT FURTHER RESOLVED, That the Senate and House teams shall include members from each of the respective Caucuses and such staff as are willing or coerced into participating;

AND, BE IT FURTHER RESOLVED, That negotiations between the chambers concerning the details of the Legislative Fun Run will be worked out by a Conference Committee consisting of a representative of each of the Caucuses, with any unsettled differences to be disposed of in the typically fair and impartial manner by the President of the Senate;

AND, BE IT FURTHER RESOLVED, That the Third House and the Fourth Estate will be extended an invitation to participate on any terms to which they may suggest subject to the approval of the Conference Committee;

AND, BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to formally notify the House of Representatives of this event by submitting a copy of this resolution to allow Senate members sufficient time for preparation in recognition of their more senior Legislative standing.

There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3884, by Senator Goltz:

Changing the mountain sheep supplemental tag fee.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 3884 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, how do they handle the drawing for the permits?"

Senator Goltz: "As I understand it, Senator Rasmussen, under the present plan the 4,600 or so, 700 or so, applicants, who send in their applications, these are put into a box and are drawn out of the box by lot. And they draw, this last year there were thirty-two permits drawn and thirty-one of those actually bought the tag to hunt the mountain sheep."

Senator Rasmussen: "Did all thirty-one get a mountain sheep?"

Senator Goltz: "No; of the thirty-one hunters, only eight were successful in taking a sheep."

Senator Rasmussen: "Then this would not be a conservation measure, then?"

Senator Goltz: "This is not a conservation measure. This is strictly a sport for persons who want to hunt these animals for trophy purposes."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3884, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Bauer, Fleming, McDermott, Peterson, Rasmussen, Wilson—6.

Absent or not voting: Senators Hansen, Lysen, Talley—3.

SENATE BILL NO. 3884, 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 Ridder, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 3204, by Senators Conner and Fuller:
Authorizing formation of fishing associations.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3204 was substituted for Senate Bill No. 3204, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3204, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—40.

Voting nay: Senators Craswell, Deccio, McCaslin, Quigg, Shinpoch, von Reichbauer, Woody, Zimmerman—8.

Excused: Senator Hansen—1.

SUBSTITUTE SENATE BILL NO. 3204, 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

Senator Clarke moved the Senate commence consideration of Senate Bill No. 3554.

Debate ensued.

POINT OF ORDER

Senator Shinpoch: "I would like to request a Ruling on whether 3554 meets the cutoff resolution or not. I have some concerns relative to that; I do not find that the bill by itself meets the cutoff resolution requirement."

At 12:10 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 12:21 p.m.

The Senate resumed consideration of the motion by Senator Clarke that the Senate commence consideration of Senate Bill No. 3554 and the Point of Order raised by Senator Shinpoch.

RULING BY THE PRESIDENT

President Cherberg: "Substitute Senate Bill No. 3554 is a measure which provides a means to finance local economic and employment development. In order to encourage such development, municipalities are authorized to create a public corporation to finance eligible projects through the issuance of revenue bonds.

"The President therefore finds that Substitute Senate Bill No. 3554 is a measure relating to revenue and that it may be properly considered by the Senate at this time pursuant to Engrossed House Concurrent Resolution No. 3."

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate commence consideration of Senate Bill No. 3554.

Debate ensued.

The motion by Senator Clarke carried.

SECOND READING

SENATE BILL NO. 3554, by Senators Bluechel, Fleming, Ridder, Wojahn, Gaspard, Bauer, Zimmerman and Gallagher (by Governor Spellman, Secretary of State and State Treasurer request):

Implementing law by providing means to finance local economic and employment development.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3554 was substituted for Senate Bill No. 3554, and the substitute bill was placed on second reading and read the second time in full.

There being no objection, the amendment proposed by Senator Pullen, on the desk of the Secretary of the Senate, will be considered following the amendments by Senator Ridder.

Senator Ridder moved the following amendments be considered and adopted simultaneously:

On page 2, line 33, after "facilities;" insert "(h) single family housing facilities; and (i) utility facilities, etc."

On page 5, line 15, insert:

"(21) "Single-family housing facilities" shall mean any newly purchased dwelling owned and occupied by the owner, provided that such owner obtains only a first mortgage, or deed or (sic) trust, of no more than \$75,000, from funds of revenue bonds issued pursuant to this act; provided that such dwellings comply with all local and state energy conservation and other codes, requirements, or guidelines; and provided that at least one half of the proceeds of revenue bonds issued by any public corporation for single-family housing facilities shall be used to finance newly built dwellings."

Renumber accordingly.

POINT OF INQUIRY

Senator Scott: "Senator Ridder, as I read your amendment, up to \$75,000 from this source could be applied to a single-family dwelling without any statement having been made as to how much equity the owner has.

"So could I take and apply \$150,000 of my own equity and still be eligible for public support to complete my mortgage under your amendment?"

Senator Ridder: "Yes, that is right. The intent is not to finance specifically low income property; the intent is to make it possible to keep the housing market going, and at the same time if you have \$150,000, you are providing additional security against the bonding."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, if I heard you right, you could issue bonds to provide a place for the dancing girls to dance because it allows them

continuing activity; but apparently you do not want to finance single-family homes which provide housing and some comfort for the children. Is that correct?"

Senator Bluechel: "That is not correct, Senator Rasmussen. . ."

Senator Rasmussen: ". . . I, . . . but must have heard you wrong, then."

Senator Bluechel: "I said that multi-family housing is allowable. These are primarily based at providing industrial-type long-range facilities to provide jobs in each of the local communities."

Senator Rasmussen: "Well, Senator Bluechel, further; you know, of course, that multiple-family housing is very difficult for people with children to get; it is practically impossible to get housing from the apartments, for children."

Further debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Ridder.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; nays, 25; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—25.

Absent or not voting: Senators Charnley, Newhouse—2.

Excused: Senator Hansen—1.

Senator Pullen moved adoption of the following amendment:

On page 1, line 5, add a new section as follows:

"NEW SECTION. Section 1. This act shall be known and may be cited as the Socialized Economy Act of 1981."

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, would you be willing to change the ferry system to the socialized ferry system; highway system to the socialized highway system?"

Senator Pullen: "If you will offer some legislation, I will give it fair consideration."

Senator Goltz: "We will have the budget bill before us soon enough to do that."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, this bill, as well as the Constitutional amendment, are Governor Spellman requests and Secretary of State Munro requests.

"Would it be your judgment that those two good Socialists are pushing this particular bill and Constitutional amendment for some reason we do not understand?"

Senator Pullen: "Neither one of those fine gentlemen is a Socialist. I have the highest regard for both of those people; they are both outstanding individuals and outstanding elected officials. But everyone can make a mistake and I am simply trying to correct the mistake."

The motion by Senator Pullen failed and the amendment was not adopted.

On motion of Senator Williams, the following amendment by Senators Williams and Gould was adopted:

On page 3, line 3, insert:

"(8) Renewable resource shall mean a resource which utilizes solar, wind, hydro, geothermal, bio-mass, or similar sources of energy which are used for electric power generation or which will reduce the electric power or fossil fuel requirements of a consumer."

Renumber the remaining subsections accordingly.

Senator Williams moved adoption of the following amendment:

On page 5, line 30, after "act." insert: "The creation of such a corporation, or any significant change in a corporation's powers, shall be deemed a major action as set forth in RCW 43.21C.030 and the provisions of chapter 43.21C shall apply."

POINT OF INQUIRY

Senator Williams: "Senator Bluechel, for the record, and the question is, are you saying that the projects that are the outgrowth of the public corporations that are formed, themselves are subject to all the normal requirements of SEPA, etc., etc.? Is that what . . . ?"

Senator Bluechel: "What Senator Williams said is correct; there is no derogation or exemptions whatsoever in this bill for any SEPA requirements under any projects that would normally come under SEPA."

There being no objection, on motion of Senator Williams, the amendment by Senator Williams to page 5, line 30, was withdrawn.

Senator Hughes moved adoption of the following amendment:

On page 5, line 33, after "ordinance" insert ", approved by the voters of the municipality,"

Debate ensued.

Senator Hurley demanded a roll call and the demand was sustained.

Further debate ensued.

MOTION

At 1:05 p.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Thursday, April 9, 1981, at which time the Senate will resume consideration of Substitute Senate Bill No. 3554, and the pending amendment by Senator Hughes.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 9, 1981.

The Senate was called to order at 10:30 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Deccio.

The Color Guard, consisting of Pages Carol Carlton and Cheryl Carlton, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

On motion of Senator Clarke, the reading of the journal of the previous day with and it was approved.

REPORT OF STANDING COMMITTEE

April 6, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 31, revising workers' compensation laws (reported by Committee on Financial Institutions and Insurance):

MAJORITY: Without recommendation.

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

MINORITY recommendation: Do not pass.

Signed by: Senators Bauer, Bottiger, Lysen, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

Senator Bottiger moved that Engrossed Substitute House Bill No. 31 be rereferred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "Thank you, Mr. President. Would Senator Scott yield to a question?"

President Cherberg: "Will Senator Scott yield? Senator Scott declines."

Senator Bauer: "Senator Shinpoch? Being a freshman here on the floor of the Senate and remembering what we did in the House in terms of establishing some kind of a fair and equitable uniform standard for ascertaining whether a bill or not should go to ways and means so that we would not be in a constant fight on every issue, there was a threshold of dollar limits . . . that automatically forced the bill into ways and means.

"Have you, by precedent or rule, adhered to anything of that nature in the Senate?"

Senator Shinpoch: "Senator Bauer, I am not certain that I can answer that with any certainty. I do not recall, in our rules here, that there is any minimum or any set amount that requires a bill to go to ways and means.

"As you recall, in the House, in the House rules we had a rule, when I left there at least, that read '\$50,000 or more must go through the ways and means committee,' required action. If it was more than \$5,000,000, it required action of the combined ways and means committee, not just the appropriation committee or the revenue committee as the case may be.

"And I simply cannot, I do not recall that it is currently in our rules and I do not recall if it has during the three years that I have been here."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. Senator Bauer, in answer to your question, the new majority did establish what they told me at least, was a guideline when they sent Senate Bill No. 3294, the arson reporting rewards bill to ways and means, the guideline at that time, I believe, was \$50,000. Anything that had a fiscal impact had to go to ways and means."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that Engrossed Substitute House Bill No. 31 be rereferred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 24; nays, 24; absent or not voting, 1. The President voted "aye."

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Absent or not voting: Senator Deccio—1.

Engrossed Substitute House Bill No. 31 was rereferred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

April 7, 1981.

ENGROSSED HOUSE BILL NO. 114, excusing railroads and their employees from liability for injury to trespassers on bridges, trestles, and tracks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Conner, Gallagher, Guess, Hansen, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Vognild.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 128, enacting a bill of rights for victims and witnesses of a crime (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 216, placing ferry employees under the state civil service system (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Conner, Lysen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 322, requiring driver's license to be permanently marked as a condition for retention when applying for occupational license (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Guess, Hansen, Kiskaddon, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 400, disallowing reimbursement for inspection of motor vehicle identification numbers by out-of-state inspectors (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Gallagher, Guess, Hansen, Metcalf, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 401, authorizing educational service districts to establish direct student service programs (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 466, providing for the distribution of funds received under the geothermal steam act (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; Hemstad, Hurley, Newhouse, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 467, providing for expedited review of energy facility siting decisions (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Newhouse, Quigg, Wilson.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 539, providing for notice to the department of transportation when short plats are made of areas adjacent to highway rights-of-way (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Gallagher, Guess, Lysen, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 615, abolishing certain accounts for high school districts used for moneys from nonhigh districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Scott, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 616, implementing law relating to publication of school code (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1981

HOUSE BILL NO. 625, modifying provisions relating to superior court judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Woody.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 677, granting emergency powers to the governor to operate the Puget Sound Ferry and toll bridge system (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Gallagher, Guess, Hansen, Kiskaddon, Metcalf, Talley.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 8, 1981.

LARRY SANFORD, to the position of Member of the State Board for Community College Education, appointed by the Governor on February 3, 1981 for the term ending April 3, 1983, succeeding himself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, von Reichbauer.

Passed to Committee on Rules.

April 8, 1981.

E. ANNE WINCHESTER, to the position of Member of the State Board for Community College Education, appointed by the Governor on February 3, 1981, for the term ending April 3, 1985, succeeding Robert J. Collins (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott.

Passed to Committee on Rules.

April 8, 1981.

ED POOLEY, to the position of Member of the Board of Trustees for Highline Community College, District No. 9, appointed by the Governor on March 13, 1981, for the term ending September 30, 1985, succeeding Reid E. Hale (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, von Reichbauer.

Passed to Committee on Rules.

April 8, 1981.

THOMAS R. HAGLEY, to the position of Member of the Board of Trustees for Clark County Community College, District No. 14, appointed by the Governor on March 16, 1981 for the term ending September 30, 1985, succeeding Gary Olson (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT WITHDRAWAL

Office of the Governor, April 8, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

James S. Munn has declined his appointment as a member of the Public Disclosure Commission. I therefore withdraw my nomination and request for Senate confirmation of his appointment.

Sincerely,
JOHN SPELLMAN
Governor.

GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 8, 1981.

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:

Charles T. Collins, appointed April 6, 1981 for a term ending January 15, 1984, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Energy and Utilities.

Office of the Governor, April 8, 1981.

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:

The Honorable Daniel J. Evans, appointed April 6, 1981 for a term ending January 15, 1983, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Energy and Utilities.

MESSAGE FROM THE HOUSE

April 9, 1981.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 23, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Clarke moved that the rules be suspended and House Concurrent Resolution No. 23 be advanced to second reading and read the second time in full.

MOTION

Senator Bottiger moved that further consideration of House Concurrent Resolution No. 23 be considered following Senate Bill No. 3390.

Senator Bottiger demanded a roll call.

There being no objection, on motion of Senator Clarke, the motion to suspend the rules and advance House Concurrent Resolution No. 23 to second reading was withdrawn.

The motion by Senator Bottiger carried. House Concurrent Resolution No. 23 will be considered following Senate Bill No. 3390.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3554 was ordered held for a later time.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3390.

SECOND READING

SENATE BILL NO. 3390, by Senator Goltz:
Expanding the scope of business improvement areas.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 3390 was substituted for Senate Bill No. 3390, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the following amendment was adopted:

On page 1, line 13, after "establish" insert ", after a petition submitted by the operators responsible for 60 percent of the assessments by businesses within the area."

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute Senate Bill No. 3390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Goltz, I know you mentioned about the downtown areas in cities. The bill says 'all counties and all incorporated areas.' I presume that this also includes, then, the unincorporated areas of counties that might have groups of businesses. Would that be correct?"

Senator Goltz: "Just a moment.

"The bill says that ' . . . all counties and all incorporated areas [sic] . . . including unclassified cities and towns operating under special charters.'

"Now I believe that, if I understood your question correctly, you are asking whether it could be done . . ."

Senator Lee: "Well, what I was asking, if the term 'counties' in your understanding of this bill, includes the unincorporated areas of counties?"

Senator Goltz: "Yes, if the counties are involved as a legislative body creating these kinds of improvement areas, I would say 'yes,' it would include the unincorporated areas under the direction of the county government."

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, would you enlighten us a little bit on how the county legislative authority would handle the underlined section on page 2 where you go in and explore the number of employees and the square footage and the business and occupation taxes imposed and things like that?"

Senator Goltz: "Senator Rasmussen, this would apply to both the cities and counties and the reason for the various ways of calculating is that the businesses in each area might wish, because some are commercial, some are professional, some are other kinds of business classification. In some cases they might want to use the number of personnel as the basis for the assessment. Some might want to use square footage; some might want to use volume of business.

There is a good reason for having that amount of flexibility so that each city and each county, working with the businesses in the area, can develop the ordinance

which will best work for that area. It is simply a matter of having a flexible, the local choice would be made upon one or more of these different methods of calculating the assessment rate."

Senator Rasmussen: "Well, as I understand your explanation, Senator Goltz, if I were a lawyer or accountant with a high volume, they would examine my business and occupation tax and then would assess my rate of charges, but this won't be an LID, this will be a business improvement district, so that lawyers and people with high volume, doctors and things, could be assessed higher amount than some little shoe merchant, shoe repair shop?"

Senator Goltz: "Senator Rasmussen, the way it would actually work, is that each business in the area would be required to sign a petition and that petition would recommend to the city council the basis upon which the assessment should be made; so they go back to the city council with a pre, say described plan. When that plan gets to the city council, the city council will have to take it into account as well.

"With the amendment that Senator Wilson added, 60% of the operators of these businesses would have to be involved in the petition. And only then would the city council act.

"The city council could further massage the recommendation by the businesses in the area.

"It is not designed to take advantage of one business over another; it is designed to create a situation where all of the businesses in the area would want the benefit of this legislation. If it does not serve the needs of the business man, the accountant as well as the merchant, this kind of legislation should not be enacted at the local level."

POINT OF INQUIRY

Senator Lysen: "Senator Goltz, out in my area we are basically unincorporated. We are not in an incorporated area.

"What if some of the businesses did not want to participate? They would be assessed anyway? This is a mandatory taxing power?"

Senator Goltz: "That is correct and one of the ways that that is protected in this, is the two-step protection. The first protection is that the businesses, 60% of the operators of those businesses, would have to petition; and the second protection is, that the county government, which would, I assume, look after the people who wanted it as well as the people who did not want it, would have to vote for the creation of this kind of an assessment against the members of that district."

Senator Lysen: "What are the qualifications to sign a petition, is it the landlord who might own the property, or the business man who rents the property? What are the parameters for this, will you come up with the . . . ?"

Senator Goltz: "These are the operators, not the property owners because the assessment is not made against the property owner, it is made against the operators of the business.

"The criteria for them would be that they would want to be assessed; in other words, this is something that originates with the business. They would want to be assessed because it is to their advantage to have business management promotion for the area in which they live.

"If I understood your circumstances correctly, people living in an unincorporated area who are in business, may very well say, 'The only way we are going to get our business promoted in this area, is for us to work together as a business association and we will do that by calling for the city council to designate us as a business improvement area.' And under those terms, those businesses would recommend to the county council the kind of assessment they would want and then the county council would have to pass it.

"But it is true that if it is passed, the assessment would be mandatory."

Senator Lysen: "And the form of the assessment is wide open, they could cover any type of assessment at all. You could have an assessment where you might get the people that refused to sign the petition, say 20% or 25%, are the ones that are, the way the thing would be programmed would be to bear the greatest burden of the assessment.

"Whatever happened to voluntarism? If you want to participate and promote, you do it voluntarily?"

Senator Goltz: "Well, apparently, Senator Lysen, the people that want this bill feel, and there are a lot of small businessmen that want this bill, feel that they spend all their time trying to get people to volunteer and do not spend any time on promoting their business."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3390, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Clarke, Hurley, Jones, Lysen, Metcalf, Moore, Pullen, Rasmussen—8.

Absent or not voting: Senator Deccio—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3390, 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.

The Senate resumed consideration of the motion by Senator Clarke that the rules be suspended and House Concurrent Resolution No. 23 be advanced to second reading and read the second time in full.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Senate Concurrent Resolution 23 was on the desk on first reading. Did it now then go to rules committee or to a committee or where is it?"

REPLY BY THE PRESIDENT

President Cherberg: "The measure is on first reading. It is still before the Senate for disposition."

Senator Bottiger: "It is still before the Senate? Then, Mr. President, I move that it be referred to the committee on constitutions and elections."

MOTION

Senator Bottiger moved that House Concurrent Resolution No. 23 be referred to the Committee on Constitutions and Elections.

PARLIAMENTARY INQUIRY

Senator Clarke: "May that be done on a majority vote or does it require suspension of rules?"

REPLY BY THE PRESIDENT

President Cherberg: "It could be done by majority vote, Senator."

There being no objection, on motion of Senator Bottiger, the motion was withdrawn to refer House Concurrent Resolution No. 23 to the Committee on Constitutions and Elections.

House Concurrent Resolution No. 23 remains on the desk.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4, by House Committee on Labor and Economic Development and Representatives Patrick, Sanders, Scott, Flanagan, Smith, Garrett, Brown, Barrett, Hankins, Clayton, Eberle and Warnke:

Declaring foreign trade policy.

The resolution was read the second time in full.

On motion of Senator Quigg, the rules were suspended, Engrossed House Concurrent Resolution No. 4 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, in the resolution, provides for the, 'Recognize the need for the development of an adequate and effective data base with computerized collection; . . .' and so forth. That is one item I would like to have some information on, Senator Quigg.

"And on line 23, 'Provide for a review of existing laws and rules which may have an inhibiting effect on our state's foreign trade and business; . . .'

"Are you aware of any rules or regulations or laws that we have that are inhibiting foreign trade at the present time, and the last land commissioner we had was defeated on the basis of log exports, the new land commissioner is taking the same position as the previous land commissioner on the export of logs, that it should continue.

"But we have no laws or rules that I know of that are inhibiting foreign trade at the present time. Could you enlighten me?"

Senator Quigg: "Senator Rasmussen, as these kinds of impediments to foreign trade are noted and identified, I think it would be wise to say the, addressed and eliminated to whatever extent possible and I am sure with your voluminous knowledge of the laws of the state of Washington, I can look to you for that kind of assistance because I am sure you are concerned about the vital trade implications of the Port of Tacoma on the state of Washington and people in your district as well as I am in my district."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 4, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 9; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gallaghan, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Clarke, Craswell, Guess, Hayner, Jones, Lysen, McCaslin, Pullen, Shinpoch—9.

Absent or not voting: Senators Deccio, Metcalf—2.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 163, by Representatives Kreidler, Ellis and Wang:

Permitting handicapped voters to be assisted by another voter or by election officials.

The bill was read the second time by sections.

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 163, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Deccio—1.

ENGROSSED HOUSE BILL NO. 163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3023, by Senators Hansen and Gaspard:

Setting the business and occupation tax on beans, lentils and triticale.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 3023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3023, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—40.

Voting nay: Senators Charnley, Fleming, Lysen, McDermott, Williams, Wojahn—6.

Absent or not voting: Senators Bottiger, Deccio, Gallagher—3.

SENATE BILL NO. 3023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 219, by House Committee on Labor and Economic Development (originally sponsored by Representatives O'Brien, Wilson, Struthers, Sherman and Brekke):

Regulating transactions between artists and art dealers.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 219 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, the uniform commercial code which was adopted several years ago after a lot of hard work, and was supposed to cover transactions between business people doing business freely, and here we are putting another regulation in law that, outside and the fact of the matter is, it makes a specific exemption in the uniform commercial code. I really do not understand the need for this. Maybe you could explain it a little more fully. Why do you have to go outside of the uniform commercial code? It is very important."

President Cherberg: "Senator Newhouse."

Senator Newhouse: "Mr. President, ladies and gentlemen. As I recall the testimony in committee, Senator Rasmussen, both sides, the artists and the gallery owners actually carry on normally this type of operation, anyway, and what it is designed to do is to say that the gallery owner will be insured so that the art object will be insured if it is lost or damaged or destroyed while in the custody of the gallery owner. This would protect the interest of the artist.

"There was no opposition to the bill, both sides agreed that it should be there."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 219, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Clarke, Rasmussen—2.

Absent or not voting: Senators Bottiger, Deccio, Gallagher—3.

SUBSTITUTE HOUSE BILL NO. 219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3915, by Senators Lee, Hurley and Vognild:
Establishing the recreation guide revolving fund.

REPORT OF STANDING COMMITTEE

March 19, 1981.

SENATE BILL NO. 3915, establishing the recreation guide revolving fund (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning with line 1, insert a new section as follows:

"NEW SECTION, Sec. 2. There is added to chapter 43.41 RCW a new section to read as follows:

On or before January 1, 1983 the office of financial management shall:

- (1) compare the comprehensive recreation guide prepared pursuant to RCW 43.99.142 to other publications of state agencies;
- (2) determine which state agency publications are duplicative of the guide; and
- (3) report its findings to the parks and ecology committee of the senate and the natural resources and environmental affairs committee of the house of representatives as now existing or reconstituted."

Renumber the sections consecutively.

On page 1, line 3 of the title, after "43.99.142;" insert "adding a new section to chapter 43.41 RCW;"

Signed by: Senators Fuller, Chairman; Goltz, Guess, Hansen, Hurley, Quigg.

The bill was read the second time by sections.

On motion of Senator Lee, the committee amendment was adopted.

On motion of Senator Lee, the committee amendment to the title was adopted.

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 3915 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Charnley was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3915, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Deccio, Gallagher—2.

Excused: Senator Charnley—1.

ENGROSSED SENATE BILL NO. 3915, having received the constitutional majority, as declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 49, by House Committee on State Government (originally sponsored by Representatives Amen, Williams, Warnke and Addison) (by Legislative Budget Committee request):

Revising procedures for forms management.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 49 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 49, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Deccio, Gallagher—2.

Excused: Senator Charnley—1.

SUBSTITUTE HOUSE BILL NO. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 112, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representative Ellis):

Enacting the Washington uniform limited partnership act.

REPORT OF STANDING COMMITTEE

March 31, 1981.

SUBSTITUTE HOUSE BILL NO. 112, enacting the Washington uniform limited partnership act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 31, line 21, section 67(1), after "as of" strike "October 1, 1981" and insert "January 1, 1982"

On page 31, line 31, section 67(2) after "on or before" strike "October 30, 1982" and insert "September 30, 1982"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Talmadge.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 112, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Senator Hemstad, without going into elaborate detail, I am attracted by a statement in the digest which says, 'This bill makes limited partnerships more akin to corporations than they are now.' Could you tell me a little bit about what that means?"

Senator Hemstad: "Senator Wilson, a limited partnership structure incorporates some aspect of a partnership and other aspects of the limited liability of a corporation. A limited partner is entitled to participate only to the extent of his contribution to the partnership, but then his liability is limited to that extent. . . . not have general liability the way either a proprietor does nor the way a general partner, the general partner of a limited partnership does.

"So he acts more like a shareholder in a corporation but it has the attributes of a partnership in terms of being able to pass through profits and losses, for example, for tax purposes, but the limited partner cannot participate directly in the management of the corporation, I am sorry, the partnership, in the way that the general partner does.

"That has been the standard for many years, but now this revised uniform act makes various changes, further clarifies the area in management where the limited partner can participate and defines more precisely the nature of his limited liability."

Senator Wilson: "Then, essentially however, or I should say, a limited partner retains the same essential characteristics under this bill as he did before?"

Senator Hemstad: "That is correct."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 112, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Deccio, Gallagher—2.

SUBSTITUTE HOUSE BILL NO. 112, 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

Senator Goltz moved that Substitute Senate Bill No. 3929 be rereferred to the Committee on Ways and Means.

POINT OF ORDER

Senator Clarke: "I believe that would be proper at the eighth order but we are considering second reading calendar on sixth order of business."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, the President believes that inasmuch as the measure is on second reading calendar, that it is open for disposition by the Senate."

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Goltz that Substitute Senate Bill No. 3929 be rereferred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator Goltz carried by the following vote: Yeas, 24; nays, 23; absent or not voting, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Absent or not voting: Senators Deccio, Gallagher—2.

SUBSTITUTE SENATE BILL NO. 3929 was rereferred to the Committee on Ways and Means.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

MOTION

Senator McDermott moved the Senate advance to the sixth order of business.

MOTION

At 12:43 p.m., Senator Hayner moved the Senate adjourn until 10:30 a.m., Friday, April 10, 1981.

Senator McDermott demanded a roll call and the demand was sustained.

Senator Clarke demanded a Call of the Senate.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that there be a Call of the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed by the following vote: Yeas, 23; nays, 24; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Absent or not voting: Senators Deccio, Gallagher—2.

The President declared the question before the Senate to be the roll call on the motion by Senator Hayner that the Senate adjourn until 10:30 a.m., Friday, April 10, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed by the following vote: Yeas, 23; nays, 23; absent or not voting, 3.

The President voted "no."

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Absent or not voting: Senators Deccio, Gallagher, Goltz—3.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate advance to the sixth order of business.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott that the Senate advance to the sixth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried by the following vote: Yeas, 24; nays, 23; absent or not voting, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Absent or not voting: Senators Deccio, Gallagher—2.

MOTION

On motion of Senator McDermott, there being no objection, the Senate commenced consideration of Substitute House Bill No. 399.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 399, by House Committee on Institutions (originally sponsored by House Committee on Institutions and Representatives Houchen, Becker, Struthers, Heck, Nelson and Salatino) (by Governor Spellman request):

Giving the secretary of social and health services the power to manage the McNeil Island penal facility.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Woody:

On page 1, line 22, after "institutions" insert ", at their respective populations as of December 31, 1981"

Debate ensued.

MOTION

At 1:03 p.m., Senator Hayner moved the Senate adjourn until 10:30 a.m., Friday, April 10, 1981.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hayner that the Senate adjourn until 10:30 a.m., Friday, April 10, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner carried by the following vote: Yeas, 24; nays, 24; absent or not voting, 1.

The President voted "aye."

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf,

Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—
24.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard,
Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,
Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—
24.

Absent or not voting: Senator Deccio—1.

At 1:08 p.m., the motion by Senator Hayner having carried, the Senate
adjourned until 10:30 a.m., Friday, April 10, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 10, 1981.

The Senate was called to order at 10:30 a.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 11:00 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senator Zimmerman.

The Color Guard, consisting of Pages John Faccone and Steve Goucher, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 9, 1981.

ENGROSSED HOUSE BILL NO. 42, prohibiting the use, possession and delivery of drug paraphernalia (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 46, protecting shellfish pots (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 70, providing for the distribution of federal funds for fish restoration and management projects (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 87, abolishing the state hospital commission (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 96, exempting certain transactions from usury limits (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, creating a state office of administrative hearings (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 136, increasing interest rates on certain loans (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 138, modifying the teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Haley, Hayner, Hughes, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 143, making miscellaneous changes in credit union laws (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 7, 1981.

HOUSE BILL NO. 167, implementing law relating to program hour offerings under basic education act (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 169, revising laws relating to pharmacy (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 189, authorizing administration of oral medication by common school and private school personnel (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Scott, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 238, changing incorporating requirements and modifying liability of corporation directors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 249, increasing the time period for reporting auto accidents under the financial responsibility laws (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 252, modifying provisions relating to agriculture (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 254, requiring certain coverages in automobile insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 264, restricting imposition of rent control by counties, cities, and towns (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

MINORITY recommendation: Do not pass.

Signed by: Senators Hurley, Vognild, Williams.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 302, creating a state personnel appeals board (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Quigg, Rasmussen.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, implementing the law relating to unemployment compensation (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 316, revising licensing requirements for the practice of midwifery (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 354, transferring some functions of the state planning and community affairs agency to the office of financial management (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 357, modifying provisions on the preservation and destruction of public records (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 359, modifying provisions of law on health services and facilities requiring certificates of need (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 375, modifying the regulation of automotive repairs (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, defining the milling of uranium and thorium (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 419, notifying the buyer of land when reforestation is required (reported by Committee on Natural Resources);

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 427, implementing law relating to sale or lease of school district surplus property (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Scott, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 442, revising laws pertaining to discipline of engineers (reported by Committee on Commerce and Labor):

Recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 449, modifying the supervisor of water resources' responsibilities in determining water rights (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Jones, Wilson.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 502, appropriating moneys to print the 1981 and 1982 session laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Haley, Hayner, Jones, Lee, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 527, continuing the state board of geographic names (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 532, modifying the reporting requirements of the child protective services (reported by Committee on Social and Health Services):

Recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 557, transfer of assets for the purpose of qualifying for medical assistance benefits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 591, permitting the marketing of property prior to the recording of the final plat, contingent upon such recording (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hayner, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 596, creating the natural resources account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Haley, Hayner, Hughes, Jones, Lee, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 8, 1981.

ENGROSSED HOUSE BILL NO. 597, modifying the moratorium on salmon charter boat licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Vognilid, von Reichbauer, Zimmerman.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 614, increasing frequency of WSP promotion exams (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 631, authorizing certain race track fees to be set by the state racing commission (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Haley, Hayner, Hughes, Jones, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 7, 1981.

ENGROSSED HOUSE BILL NO. 719, providing for a citizens study commission on school finance (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE JOINT MEMORIAL NO. 13, supporting enactment of federal legislation to provide states more flexibility in administering medicaid programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Rasmussen, Ridder.

Passed to Committee on Rules for second reading.

April 7, 1981.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 10, authorizing appointment of retired judges as superior court judges pro tem (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute House Joint Resolution No. 10 be referred to Senate Committee on Constitutions and Elections.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Pullen, Woody.

Rereferred to Committee on Constitutions and Elections.

April 8, 1981.

HOUSE CONCURRENT RESOLUTION NO. 5, creating a joint agricultural study committee (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 9, 1981.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 355, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 9, 1981.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 3034,

ENGROSSED SENATE BILL NO. 3052,

SENATE BILL NO. 3058,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3075,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3080,

SENATE BILL NO. 3098,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3150,

ENGROSSED SENATE BILL NO. 3158,

SENATE BILL NO. 3168,

ENGROSSED SENATE BILL NO. 3170,

SENATE BILL NO. 3234,

SENATE BILL NO. 3498, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILL

SUBSTITUTE HOUSE BILL NO. 355, by Committee on Transportation (originally sponsored by Committee on Transportation and Representatives Eberle and Wilson):

Limiting penalties for the traffic infraction of energy waste.

Referred to Committee on Transportation.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the measures on the Second Reading Calendar will be considered in the following order: Substitute Senate Bill No. 3554, Senate Bill No. 3084, Senate Bill No. 3442, Second Substitute House Bill No. 157, Senate Bill No. 3946, House Bill No. 120, Senate Bill No. 3307.

On motion of Senator Clarke, the Senate resumed consideration of Substitute Senate Bill No. 3554 from April 9, 1981.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3554, by Committee on Commerce and Labor (originally sponsored by Senators Bluechel, Fleming, Ridder, Wojahn, Gaspard, Bauer, Zimmerman and Gallagher (by Governor Spellman, Secretary of State and State Treasurer request):

Implementing law by providing means to finance local economic and employment development.

The Senate resumed consideration of Substitute Senate Bill No. 3554 on second reading. On April 8, 1981, the bill was amended by Senators Williams and Gould. Senator Hughes had moved adoption of the following amendment on that day and the bill was held for consideration on April 9, 1981. A roll call by Senator Hurley had been demanded and the demand was sustained at that time.

On page 5, line 33, after "ordinance" insert ", approved by the voters of the municipality."

POINT OF INQUIRY

Senator Talmadge: "Mr. President, members of the Senate. Perhaps Senator Scott or Senator Bluechel could respond to the concern that many people on this side have that, although the public corporation that is created does not have the authority of eminent domain, the municipality involved would still exercise eminent domain over the area that the public corporation serves.

"Now Senator Hurley has an amendment that will come later on, that bars the municipality so affected, from exercising the power of eminent domain and requiring that there be relocation costs. But if Senator Hurley's amendment is not adopted and Senator Hughes' amendment is not adopted, many of us who represent areas which may be subject to one of these public corporations could have people who are adversely affected without having any opportunity to either seek their approval of an election or respond in any way to the exercise of eminent domain by municipalities. Perhaps one of you can answer that."

Senator Bluechel: "Speaking to the point raised by Senator Talmadge. As you know, within the bill there is no eminent domain. The public corporation we are talking about here is primarily a financial corporation for financial transactions. It has nothing whatsoever to do with eminent domain. It is a pass-through corporation for funds, enabling the entity, the financial entity, to achieve a tax-exempt bond status.

"The city or county which has to set it up, the city or county itself, of course, has the power of eminent domain but we are, I believe we are making something that just isn't in the bill. There is nothing to do with eminent domain in this bill. Most of these entities will be of a private corporation nature. There is, however, targeted redevelopment areas within the city.

"We could not, and we had no testimony at any time that said that the city could go out and use eminent domain to get property and then move somebody on. It said that, the testimony stated that this simply would not happen."

REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Mr. President, members of the body. Speaking against the amendment, in further response to Senator Talmadge, there are other situations now where we use public corporations such as, for example, in Seattle the Pike Place Market, and for purposes of urban redevelopment and we do not have public votes for projects in those operations which are far more public than what we are talking about here, so if they are not usable there I cannot see how you can stretch the standard to say that it should be applicable here.

"Second, with regard to the issue of eminent domain, the standard in this state is for the application of eminent domain is that there must be a public use involved. That is a very narrow standard and it simply is not applicable to this bill at all."

Debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hughes.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 24; absent or not voting, 3.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Gaspard, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer—24.

Absent or not voting: Senators Gallagher, Jones, Zimmerman—3.

Senator Williams moved adoption of the following amendment by Senators Williams and McDermott:

On page 5, line 34, after "act." insert "No city, town, county or port district shall adopt an ordinance forming or providing for the formation of a public corporation unless the legislative authority finds that (1) the purposes for which the public corporation is to be formed comply with the appropriate comprehensive plan; (2) there is no readily available feasible alternative method of financing for the project; and (3) the project is in the public interest."

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Williams and McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; absent or not voting, 1.

Voting yea: Senators Bauer, Charnley, Conner, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody—18.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Wojahn—30.

Absent or not voting: Senator Zimmerman—1.

Senator Pullen moved adoption of the following amendment:

On page 7, line 7, before "residential" strike "predominately" and insert "partly"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Williams moved adoption of the following amendment:

On page 7, line 16, after "financings." insert: "All members of the board and its chief executive officers shall file with the public disclosure commission, and the commission shall accept, such information as is required by RCW 42.17.240. All members of the board and the employees and executive officers of the corporation shall be subject to the provisions of chapter 42.23 RCW."

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 24; absent or not voting, 1.

The President voted "aye."

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Haley, Hughes, Hurley, Lysen, McDermott, Moore, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley—24.

Absent or not voting: Senator Zimmerman—1.

On motion of Senator Pullen, the following amendment was adopted:

On page 7, line 28, after "shall" insert "immediately lose voting privileges on the board and shall"

There being no objection, on motion of Senator Pullen, an amendment to page 9, line 14 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Pullen, the following amendment was adopted:

On page 10, line 4, after "taxing" insert "or appropriation"

Senator Hurley moved adoption of the following amendment by Senators Hurley and Williams:

On page 10, line 29, after "power." insert "Nothing herein shall be construed to give to, or allow, any municipal corporation in the furtherance of this act to exercise the power of eminent domain. Any public corporation created pursuant to this act shall, in the acquisition of any interest in real property, be required to provide all relocation assistance benefits and service required of state agencies pursuant to chapter 8.26 RCW."

Debate ensued.

There being no objection, further consideration of the amendment was ordered held.

Senator Pullen moved adoption of the following amendment:

On page 10, line 33, before "reduces" strike "substantially"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; absent or not voting, 1.

Voting yea: Senators Charnley, Conner, Craswell, Haley, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, von Reichbauer, Williams, Wojahn, Woody—20.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, Wilson—28.

Absent or not voting: Senator Zimmerman—1.

Senator Pullen moved adoption of the following amendment:

On page 11, line 6, after "43.09.260" and before the period insert "and shall be open to inspection by the public"

POINT OF INQUIRY

Senator Talley: "Senator Pullen, I do not think any contractor could live with this amendment. He would come under OSHA and OSHA would not allow any unauthorized personnel to be around without proper hardhats and everything else. I do not think it is a sensible amendment at all."

Senator Pullen: "This is a public corporation, Senator Talley, not a contractor."

The motion by Senator Pullen carried and the amendment was adopted.

The following amendment by Senator Pullen was adopted on a rising vote:

On page 13, line 22, after "built" insert "in whole or in part"

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

MESSAGES FROM THE HOUSE

April 10, 1981.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 49,
 HOUSE BILL NO. 163,
 SUBSTITUTE HOUSE BILL NO. 219,
 HOUSE CONCURRENT RESOLUTION NO. 4, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 9, 1981.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3076,
 SENATE BILL NO. 3221, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 49,
 HOUSE BILL NO. 163,
 SUBSTITUTE HOUSE BILL NO. 219,
 HOUSE CONCURRENT RESOLUTION NO. 4.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3034,
 SENATE BILL NO. 3052,
 SENATE BILL NO. 3058,
 SUBSTITUTE SENATE BILL NO. 3075,

SUBSTITUTE SENATE BILL NO. 3080,
 SENATE BILL NO. 3098,
 SUBSTITUTE SENATE BILL NO. 3150,
 SENATE BILL NO. 3158,
 SENATE BILL NO. 3168,
 SENATE BILL NO. 3170,
 SENATE BILL NO. 3234,
 SENATE BILL NO. 3498.

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

REPORTS OF STANDING COMMITTEES

April 9, 1981.

HOUSE BILL NO. 57, revising laws on elections of port commissioners (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 58, requiring only one copy of certain codes to be filed with local governments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 66, transferring the Auburn game farm to the parks and recreation commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hurley, Williams.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 67, permitting department of natural resources to preserve access to Toutle and Cowlitz rivers (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 144, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bluechel, Bottiger, Clarke, Haley, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 161, revising laws relating to television improvement districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 183, establishing the 1989 Washington State centennial commission (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 188, making changes respecting auditing and reporting of school district accounts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Gaspard, Hemstad, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 248, deleting power for street lighting from LID's which require petitions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 276, updating motor vehicle dealer laws (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 279, authorizing school districts upon vote of school board to hold election to return to system of directors thereof running at large (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Lee, Scott.

Passed to Committee on Rules for second reading.

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 297, regulating medicare supplemental insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Lysen, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 304, authorizing operating agencies to maintain security forces (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 330, requiring notification to the secretary of transportation about plats of subdivisions near public airports (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Guess, Hansen, Kiskaddon, Lysen.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 364, establishing a Washington state scholars program (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Gaspard, Hemstad, Lee, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 374, modifying procedures governing annexation (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bauer, Fuller, Lee, McCaslin, Talley.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Charnley, Gould, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 386, modifying the administration of winter recreation activities (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Williams.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 425, permitting students of private schools to ride public school buses (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Hemstad, Scott.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 531, modifying provisions relating to the cemetery board (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 576, qualifying state authority for the 55 speed limit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Guess, Hansen, Peterson, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Charnley.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 617, implementing law relating to certification of personnel employed in schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 636, permitting reimbursement at monthly rates for municipal officers and employees using personal automobiles for official travel (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 650, school district building fund (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Hemstad, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 664, modifying requirements for annexation petitions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 667, modifying provisions relating to school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Talmadge, Wojahn.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Craswell, Lee.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 690, revising the powers and duties of the state capitol historical association (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 696, modifying the investment authority of municipal employees' pension system boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Charnley, Fuller, Gould, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

STATEMENT FOR THE JOURNAL

April 20, 1981.

TO: Hon. Sid Snyder
Secretary of the Senate
FROM: Senator Hal Zimmerman
RE: Statement for the Journal

Because of the recent death of my daughter, Judi Jean Zimmerman, I missed session and votes on measures before the Senate on the following days: March 31, April 1, 10, and 11. Republican Caucus leadership arranged to hear a consent calendar so that there would be no major controversial issues decided those days.

MOTION

At 12:35 p.m., on motion of Senator Hayner, the Senate adjourned until 9:00 a.m., Saturday, April 11, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINETIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 11, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Haley, Hughes, Lysen, Woody and Zimmerman. On motion of Senator Ridder, Senators Hughes, Lysen and Woody were excused.

The Color Guard, consisting of Pages Kathy Peda and Kristine Noble, presented the Colors. Reverend Coriless V. Hanson, pastor of the United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 15, regulating the forfeiture of property exchanged for controlled substances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 184, rejecting federal bankruptcy law exemptions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 289, granting civil immunity to officers using police dogs and making it a felony to harm a police dog (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 10, 1981.

ENGROSSED HOUSE BILL NO. 371, restricting application of the shoreline management act to forest practices (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 10, 1981.

ENGROSSED HOUSE BILL NO. 372, modifying the state environmental policy act (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Gallagher, Chairman; Lee, Patterson, Peterson, Rasmussen, von Reichbauer.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 554, allowing cities or towns to borrow on expected revenues from utility projects (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 601, enacting the court congestion reduction act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 735, establishing ownership of solid waste (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 10, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Mrs. Benay Nordby, reappointed April 8, 1981 for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 10.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 10, 1981.

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:

Neil S. Potthoff, appointed April 8, 1981 for a term ending September 30, 1985, succeeding Gael R. Stuart, as a member of the Board of Trustees for Community College District No. 1.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 10, 1981.

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:

Jack H. Rogers, appointed April 8, 1981 for a term ending December 31, 1983, as a member of the State Investment Board.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, April 10, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ms. Helen Radke, reappointed April 9, 1981 for a term ending April 3, 1985, as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 10, 1981.

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:

Ms. Betty Jo Neils, appointed April 9, 1981 for a term ending June 19, 1984, succeeding Louis O. Stewart as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, April 10, 1981.

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:

Dave Crockett, appointed April 9, 1981, for a term ending June 19, 1984, succeeding J. Birney Blair as a member of the Public Broadcasting Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Commerce and Labor.

Office of the Governor, April 10, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

Ms. Catharine C. Stimpson, reappointed April 10, 1981 for a term ending September 30, 1985, as a member of the Board of Trustees for Community College District No. 21.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

April 10, 1981.

Mr. President: The House has passed:

THIRD SUBSTITUTE HOUSE BILL NO. 179,
SUBSTITUTE HOUSE BILL NO. 639, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

THIRD SUBSTITUTE HOUSE BILL NO. 179, by Appropriations-Human Services (originally sponsored by Committee on Human Services and Representatives Mitchell, Winsley, Houchen, Brekke, Wang, Patrick, Rinehart and Brown):

Creating the council on child abuse and neglect.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 639, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives Greengo, Stratton, Burns, Granlund, Galloway, Rust, Pruitt, Wang, Gruger, Rinehart, Maxie, Valle, Nelson (D), Walk, Becker, Brekke, North, Lux, Sherman and Bender):

Modifying provisions on delinquent property taxes.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of measures on the Consent Calendar for today.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senators Jones, Fleming, Bottiger, Hayner and Quigg (by the Office of the Lieutenant Governor request):

Establishing the Joint Select Legislative Committee on International Trade.

The resolution was read the second time in full.

Senator Quigg moved adoption of the following amendment by Senators Quigg, Jones, Fleming, Hayner and Bottiger:

On page 1, line 1, strike everything after "WHEREAS," and insert the following:

"The state of Washington is a governmental entity which can guide, direct, and influence conditions affecting international trade, tourism, and investment; and

WHEREAS, The state of Washington, by virtue of its geographic location and plentiful natural resources, has an economy which is unusually dependent on international trade and because of changing international economic conditions will have the opportunity to increase its trade; and

WHEREAS, The state of Washington has a primary interest in the assessment of the impact of international trade upon the economy of the state and to determine the appropriate role of state government in the development of a favorable climate for international trade; and

WHEREAS, Past activities of the Joint Legislative Committee on International Business and Tourism enhanced and expanded the scope and quantity of international trade with Washington business; and

WHEREAS, Emerging trends indicate such expansion will be in the best interest of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, that a Joint Select Legislative Committee on International Trade, Tourism, and Investment be created to:

(1) Encourage the appropriate expansion of international trade, tourism, and investment;

(2) Determine the economic impact of international trade, tourism, and investment upon the economy of the state of Washington;

(3) Evaluate current state laws in relation to encouraging appropriate international trade, tourism, and investment;

(4) Evaluate current administrative programs for the development of international trade, tourism, and investment;

(5) Develop proposals of possible alternatives for structuring of state programs to further enhance trade, tourism, and investment;

(6) Assess the need for state-federal coordination of policies and programs;

(7) Develop models by which state government and the private sector may work together on an ongoing basis to foster a favorable climate for international trade, tourism, and investment;

(8) Develop a Washington state policy statement to ensure viable international business programs; and

(9) Develop appropriate legislation to begin implementation of a state policy relating to international trade, investment, and tourism; and

BE IT FURTHER RESOLVED, That the Joint Select Committee on International Trade, Tourism, and Investment shall be composed of the President of the Senate as Chairman, the Speaker of the House, and from the Senate and House of Representatives the majority and minority leaders, the chairmen of the majority and minority caucuses, the chairman of the Senate Committee on Commerce and Labor, the chairman of the House Committee on Labor and Economic Development, and the chairman of the House Subcommittee on International Trade. If a committee member resigns or is temporarily unable to attend committee functions or activities, a member of the same chamber may be appointed by the President of the Senate or the Speaker of the House, as appropriate, to fill the vacancy; and

BE IT FURTHER RESOLVED, That the Office of the Governor, the Department of Commerce and Economic Development, all Washington ports, all governmental units interested in the enhancement of international trade, and the private sector in pursuit of its goals are requested to cooperate and provide information to the Joint Committee in carrying out its responsibilities."

MOTION

On motion of Senator Bottiger, Senate Concurrent Resolution No. 109, together with the pending amendment, was ordered held for consideration later today.

SECOND READING

SENATE BILL NO. 3381, by Senators Gallagher, Talley and Vognild:
Imposing motorcycle safety programs.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3381 was substituted for Senate Bill No. 3381, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gallagher, you indicated in the school training that they had different levels of training for different horsepower automobiles. I was not aware of that. I do not know that they trained certain people on Hondas and the other people on Chrysler Imperials. It seems to me they train them in any car that is donated by the dealers. Can you enlighten me on that? You indicated a different horsepower had different training."

Senator Gallagher: "Certainly. If I indicated that, it certainly is not true of automobiles. . ."

Senator Rasmussen: ". . . well, then, the second question would be, why should that difference in horsepower rating be trained differently from motorcycles?"

Senator Gallagher: "If you have ever ridden a motorcycle."

Senator Rasmussen: ". . . I have. I had a Harley 74. It was a good one."

Senator Gallagher: "All right. There is a tremendous difference in the maneuverabilities of these machines and the power. If a young person gets on a small machine and takes that test that presently exists, he does very well with it. You put him on a 1000cc motorcycle and he cannot pass that same examination. This will make the examination on par with those different endorsements."

Senator Rasmussen: "I am just questioning all the involvement here and the extra costs, whether it is necessary."

Senator Gallagher: "I believe it is absolutely necessary for the state to give those young people going on our highways."

POINT OF INQUIRY

Senator Wilson: "Senator Gallagher, is every school district in the state required to offer motorcycle training?"

Senator Gallagher: "I do not believe they would be required to. It says 'may,' they 'may' do this. They can also contract it out to a private motorcycle foundation."

Senator Wilson: "That leads me to the problem that I am concerned with and that pertains to the availability of this training in sparsely settled rural areas, such as the area that I represent. With the schools obviously being underfunded on the whole, they are going to be hard-pressed and have to make difficult decisions as to what special classes they offer and which ones they don't."

"And if, in the northeastern part of the state, for example, many school districts simply felt they could not afford this training or for some other reason did not want to offer it, would we not then be creating a situation for young people who wanted to pass the course and ride a motorcycle, might have to travel considerable distances in order to find the training available?"

Senator Gallagher: "The funding on this instructs the SPI to do this. I do not know how they do it with automobiles over in your district, but certainly that could be worked out the same as it is presently with automobiles. Do they have an automobile . . .?"

Senator Wilson: "Yes, of course the ratio of automobile drivers is considerably higher than that of motorcycle drivers.

"I sort of compare this in a way to the mandatory nurses' training that we have been trying to set up; and in some instances that works out where nurses in my district end up having to travel 100 or 150 miles, and then back again the same evening in order to acquire a certain mandated training they need in order to continue in their profession.

"And the essence of my inquiry is, is it possible that the same sort of situation could result with respect to the mandatory training that motorcycle riders will now need under terms of this bill?"

Senator Gallagher: "I imagine it could develop that way, but I would certainly hope it would not, any more than it would with automobile driving."

POINT OF INQUIRY

Senator Peterson: "Senator Gallagher, \$50,000 appropriation in this bill, wouldn't even take care of Lakewood, I do not think, to put this program into effect; and following along Senator Wilson's comments, I think the rural communities and we have K-12 shorted to the point to where I do not see how they could even offer it or would be entitled or have any portion of this \$50,000 and I can't; what is the rationale behind the distribution of the funds and how are they going to be allocated to rural areas?"

Senator Gallagher: "Well, it seems to me the rural areas now, I do not know what they do now in automobiles, but they certainly, in most of the districts, they charge a fee for that, that the ones wishing to take that course would have that money available to work on. The one dollar extra assessment on this should take care of those educational programs in the schools. I believe that is where a lot of the money goes now for automobile license training; so they should be able to secure those funds. The \$50,000 for development of the program by SPI."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Gallagher, you are quoting the deaths here, from 1975, it was 51; in 1979 it was 119; and I know you are a motorcycle rider and I know you wear a helmet; and I am a motorcycle rider and I wear a helmet although I understand it is not the law in this state, is that correct?"

Senator Gallagher: "That is correct."

Senator McCaslin: "Was this discussed in committee when you discussed this bill?"

Senator Gallagher: "The helmet part of it? No, it was not but it was thoroughly discussed in the interim meetings of the safety group people and it was decided not to put it on there."

Senator McCaslin: "Well, is it possible to statistically analyze the fatalities and determine how many fatalities resulted from motorcycle riders not wearing a helmet?"

Senator Gallagher: "I do not have that information; I probably have it in a stack of papers here but I do not remember exactly what it was. I do not believe you can establish a cause and effect on that basis."

Senator McCaslin: "Well, it is surprising to me that we are discussing imposing motorcycle safety programs, and we are not discussing the wearing of helmets; and I really think this should be discussed very thoroughly, as far as the safety program is concerned. And I wonder if this bill shouldn't be held until that is discussed thoroughly?"

Senator Gallagher: "I do not think it ought to be delayed that long; that helmet thing has come up down here a number of times before I ever got here and certainly there are times when I ride to the neighbor, a hundred yards, that I don't wear a helmet; and I would hate to have that thing strapped on me to just go down, in my yard, a hundred yards, to have that helmet on. So. . . ."

Senator McCaslin: "Well, I would not want to change the bill, but I would like to see helmets reimposed."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3381, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; absent or not voting, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, von Reichbauer, Wojahn—36.

Voting nay: Senators Bauer, Hayner, Peterson, Rasmussen, Sellar, Vognild, Williams, Wilson—8.

Absent or not voting: Senators Haley, Zimmerman—2.

Excused: Senators Hughes, Lysen, Woody—3.

SUBSTITUTE SENATE BILL NO. 3381, 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 Bluechel, Senators Haley and Zimmerman were excused.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senators Jones, Fleming, Bottiger, Hayner and Quigg (by the Office of the Lieutenant Governor request):

Establishing the Joint Select Legislative Committee on International Trade.

The Senate resumed consideration of Senate Concurrent Resolution No. 109, and the pending amendment by Senator Quigg and others.

MOTION

On motion of Senator Vognild, Senate Concurrent Resolution No. 109, together with the pending amendment by Senator Quigg and others, was ordered held for consideration following Reengrossed House Bill No. 52.

SECOND READING

SENATE BILL NO. 3458, by Senators Shinpoch, Jones, McDermott and Deccio:

Authorizing the retention of an additional two percent of wagers on exotic races.

REPORT OF STANDING COMMITTEE

March 26, 1981.

SENATE BILL NO. 3458, authorizing the retention of an additional two percent of wagers on exotic races (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 18, insert the following:

"Sec. 2. Section 1, chapter 16, Laws of 1980 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: ~~((Twenty))~~ Ten percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining ~~((eighty))~~ ninety percent, ~~((forty-seven))~~ seventy-three and one-half percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and ~~((three))~~ one and one-half percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining ~~((thirty))~~ fifteen percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 3. Section 6, chapter 31, Laws of 1979 and RCW 67.16.105 are each amended to read as follows:

(1) For race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily ~~((four))~~ five and one-half percent of the gross receipts up to the first five hundred thousand daily of all parimutuel machines at each race meet. All receipts in excess of five hundred thousand dollars shall be paid daily at the rate of ~~((five))~~ six percent.

(2) For race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing, the licensee shall pay to the commission daily ~~((four))~~ five percent of the gross receipts of all parimutuel machines at each race meet."

Renumber the sections consecutively.

On page 1, line 1 of the title, after "races;" insert "amending section 1, chapter 16, Laws of 1980 and RCW 67.16.100; amending section 6, chapter 31, Laws of 1979 and RCW 67.16.105;"

Signed by: Senators Craswell, Vice Chairman; Bauer, Deccio, Fleming, Haley, Hayner, Lee, McDermott, Ridder.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was not adopted.

On motion of Senator Scott, the committee amendment to the title was not adopted.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. There is added to chapter 67.16 RCW a new section to read as follows:

(1)(a) Of the daily gross receipts of all parimutuel machines from wagers on exotic races after the effective date of this act, an additional one percent shall be retained and be forwarded to the state treasurer daily and deposited in the general fund of the state.

(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional two percent of the daily gross receipts of all parimutuel machines from wagers on exotic races to be used as provided in subsections (2) and (3) of this section.

(2) Of the amounts retained under subsection (1)(b) of this section for race meets, those race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing:

(a) Fifty-six percent shall be used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(b) Forty-four percent, not to exceed two thousand five hundred dollars per racing day, shall be used for capital improvements, including but not limited to the running surface, parking area, and training and barn and backstretch facilities.

(c) Any portion of the remaining two percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen.

(3) Of the amounts retained in subsection (1)(b) of this section for race meets, those race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing:

(a) Forty-five percent shall be used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(b) Any portion of the remaining two percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen.

(4) As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Shinpoch, the rules were suspended, Engrossed Senate Bill No. 3458 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3458, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson—42.

Voting nay: Senators Rasmussen, Wojahn—2.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

ENGROSSED SENATE BILL NO. 3458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 52, by Representatives Vander Stoep, Galloway, Taylor, Winsley, Cantu, Patrick, Williams and Houchen:

Giving school administrators authority to order those persons appearing under the influence of alcohol or drugs off school property.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Reengrossed House Bill No. 52 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 52, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

REENGROSSED HOUSE BILL NO. 52, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 290, by House Committee on Institutions (originally sponsored by Representatives Galloway, Winsley, King (J.), Williams, Heck, Houchen, Thompson, Mitchell, Struthers, Nelson (D.) and Maxie):

Increasing the responsibilities for personnel of the board of trustees for the state school for the deaf.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 290 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

SUBSTITUTE HOUSE BILL NO. 290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senators Jones, Fleming, Bottiger, Hayner, and Quigg (by the Office of the Lieutenant Governor request):

Establishing the Joint Select Legislative Committee on International Trade.

The Senate resumed consideration of Senate Concurrent Resolution No. 109 and an amendment by Senator Quigg, Jones, Fleming, Hayner and Bottiger from earlier today.

On motion of Senator Quigg, the following amendment by Senators Quigg and Charnley to the amendment by Senator Quigg and others was adopted:

On page 3, line 21, strike "Subcommittee" and insert "and Senate Subcommittees"

The motion by Senator Quigg carried and the amendment by Senator Quigg and others, as amended, was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Senate Concurrent Resolution No. 109 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 109, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 5; absent or not voting, 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Williams, Wojahn—38.

Voting nay: Senators Craswell, Lee, Scott, Vognild, Wilson—5.

Absent or not voting: Senator Metcalf—1.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 109, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 334, by Representatives Stratton, Mitchell, Maxie, Rinehart, Erickson, North, Barrett and Padden:

Permitting donations of pacemakers under the uniform anatomical gift act.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Engrossed House Bill No. 334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 334, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

ENGROSSED HOUSE BILL NO. 334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 464, by House Committee on Higher Education and Representative Teutsch (for Council for Postsecondary Education request):

Creating state educational grant fund.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Benitz was adopted:

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The state educational grant account is hereby established within the state general fund. The commission shall deposit refunds and recoveries of student financial aid funds expended in prior biennia in such account. Expenditures from such account shall be for financial aid to needy or disadvantaged students.

NEW SECTION. Sec. 2. There is hereby appropriated from the state educational grant account within the general fund for the 1981-83 biennium twenty thousand dollars, to the council on postsecondary education, for financial aid to needy or disadvantaged students."

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Benitz to the title was adopted:

On line 3 of the title after "28B.10 RCW" and before the "." insert "and making an appropriation"

On motion of Senator Benitz, the rules were suspended, House Bill No. 464, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 464, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

HOUSE BILL NO. 464, 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 Clarke, House Concurrent Resolution No. 7 will be considered on April 13, 1981.

SECOND READING

HOUSE BILL NO. 172, by House Committee on Local Government and Representative Isaacson (by State Auditor request):

Deleting the requirement that public utility district obligations be registered and signed by the state auditor.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, House Bill No. 172 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 172 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

HOUSE BILL NO. 172, 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 Clarke, House Bill No. 181 will be considered on April 13, 1981.

SECOND READING

HOUSE BILL NO. 186, by House Committee on Education and Representative Taylor (by Superintendent of Public Instruction request):

Implementing the law relating to elections to state board of education.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, House Bill No. 186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 186, and the bill passed the Senate by the following vote: Yeas, 43; nays 1; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—43.

Voting nay: Senator Lee—1.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

HOUSE BILL NO. 186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 190, by House Committee on Local Government and Representative Isaacson (by State Auditor request):

Authorizing the state auditor to define accounting terms for certain city budgets.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 190 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 190 and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—42.

Absent or not voting: Senators Deccio, Jones—2.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

HOUSE BILL NO. 190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 191, by House Committee on Local Government and Representative Isaacson (by State Auditor request):

Providing for the transfer of moneys between funds of a unit of local government.

The bill was read the second time by sections.

On motion of Senator Charnley, the rules were suspended, House Bill No. 191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 191, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

HOUSE BILL NO. 191, 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 Clarke, Engrossed Substitute House Bill No. 307 will be considered on April 13, 1981.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell):

Modifying regulations governing funeral directors and embalmers.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 308 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 308, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 551, by House Committee on Transportation and Representatives Wilson, Clayton and Johnson:

Extending authority of port districts to operate rail lines.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 551 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 551, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

ENGROSSED HOUSE BILL NO. 551, 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 Clarke, the Senate commenced consideration of gubernatorial appointments.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Deccio, the appointment of Jon D. Smiley as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JON D. SMILEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

MOTION

On motion of Senator von Reichbauer, the appointment of W. P. Ellis as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF W. P. ELLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg,

Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—44.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

MOTION

On motion of Senator Quigg, the appointment of Norward J. Brooks, as Commissioner of the Department of Employment Security, was confirmed.

APPOINTMENT OF NORWARD J. BROOKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 2; excused, 5.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn—41.

Voting nay: Senator Charnley—1.

Absent or not voting: Senators McCaslin, Newhouse—2.

Excused: Senators Haley, Hughes, Lysen, Woody, Zimmerman—5.

MOTION

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

MOTION

On motion of Senator Gaspard, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—40

By Senators Gaspard, Bottiger, Wojahn, Rasmussen, Haley and Gallagher:

WHEREAS, The Puyallup Valley Daffodil Festival is an annual attraction for thousands of Washington residents; and

WHEREAS, The Daffodil Festival signals the advent of springtime and directs our attention once again to the beauty which nature has bestowed upon us; and

WHEREAS, This forty-eighth annual Daffodil Festival will continue in the tradition of festivities with entertainment and beauty for all to enjoy; and

WHEREAS, The Daffodil Festival will open on April 4th this year with the Junior Parade, will feature the Queen's Luncheon, a barbecue, and a beautiful show of floral displays; and

WHEREAS, The Daffodil Parade will take place on April 11th, signalling the close of the Festival on April 12th; and

WHEREAS, The Queen of this year's Puyallup Valley Daffodil Festival, Cindy Kovalenko of Sumner High School, is visiting the Capitol and the legislature this March 26th to extend the invitation of the entire Royal Court to the People of the State of Washington to attend the Festival;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Royal Court, as representatives of the residents of the Puyallup Valley area, be complimented for their efforts in organizing and presenting the Daffodil Festival for the enjoyment of the people of this state; and

BE IT FURTHER RESOLVED, That the Senate urges everyone in this state to attend the Forty-eighth Annual Puyallup Valley Daffodil Festival and join with the residents of that area in their traditional celebration of the arrival of Spring.

MOTIONS

On motion of Senator Wojahn, all members were permitted as additional sponsors to Senate Resolution 1981—43.

On motion of Senator Wojahn, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—43

By Senators Wojahn, Hughes, Hurley, Gaspard, Rasmussen, Bottiger, Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, Bing Crosby, one of the world's most famous entertainers was born in Tacoma, Washington, May 3, 1903; and

WHEREAS, The Crosby family roots in the Northwest go back to the early 1800's; and

WHEREAS, Three family homes remain in Washington:

(1) The home that Nathaniel, Bing's grandfather, built in 1864 in Tumwater;

(2) The birthplace on North "J" Street in Tacoma; and

(3) The family home in Spokane, now restored by Gonzaga University; and

WHEREAS, Bing Crosby received all of his academic education in the State of Washington; and

WHEREAS, Bing Crosby was one of America's foremost ambassadors of goodwill to the world through music; and

WHEREAS, Bing Crosby was a friend of countless public figures both at home and abroad; and

WHEREAS, Bing Crosby still brings joy to millions of people throughout the world by way of phonograph records, books, and movies, even after his death three years ago; and

WHEREAS, Bing Crosby is being honored state-wide this year by various programs and by many radio and TV stations;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Washington State, That Bing Crosby be honored as a world renowned entertainer and a native son of the State of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of State certify this resolution and present a copy to Kathryn Crosby, The Bing Crosby Historical Society, Gonzaga University, and Governor Spellman.

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President, members of the Senate. This is a resolution adopting and acknowledging Bing Crosby as a native son of the state of Washington. And I think it is appropriate because he is probably one of the world's renowned ambassadors of good will through his singing and entertainment.

"He is recognized worldwide. He has spread a lot of joy and entertainment to people throughout the world, and during these rather tedious and disruptive times. I

think that it is important. I think it is also important to let the world know that this man is a native of Washington state; and actually there are three homes existing in the state of Washington that are acknowledged to be homes built for the Crosby family. His grandfather, Nathaniel, has a home still standing in Tumwater, that the family lived in in the early days, shortly after the early 1800s; and the family home where Bing Crosby was born is in the twenty-seventh district in the city of Tacoma on North J street; and the family home, now restored by Gonzaga University, is located in Spokane.

"I think that this is the one really good thing we can do, and at the same time if you remember the last line, we do honor Governor Spellman as our renowned crooner from the state of Washington.

"I urge the adoption of the resolution."

REMARKS BY SENATOR HURLEY

Senator Hurley: "Mr. President, and members of the Senate. Bing Crosby attended schools in my legislative district, including Gonzaga University and Gonzaga Prep. Gonzaga U is just two blocks from my house.

"His singing career started there, and he was a member of the trio and would sing all over town, any place that he could. Although he was not too academically inclined, he certainly was musically inclined. He played the cymbals, he played the piano, and he whistled beautifully. And you remember some of his records had some beautiful whistling in them.

"The orchestra leader, Paul Whiteman, recruited him when he heard the quartet that Bing had established and were singing. The quartet was called 'The Rhythm Boys,' and this is where he developed his crooning style, was with the Paul Whiteman orchestra.

"He has been very generous, not only to Spokane, but to Gonzaga University. He donated \$1,000,000 for the Crosby library there at Gonzaga, and there is one upstairs room that houses the gold records that he has donated to Gonzaga as a permanent possession and sort of a museum in this room.

"I am sure that his hit 'Winter Wonderland' was one of his favorites because of the many winters that he spent in Spokane when we used to have an awful lot of snow there.

"He is one of the most wonderful people that has brought so much pleasure and so much music and so much happiness to the world, I just had to say a word in commendation for Bing Crosby."

REMARKS BY SENATOR QUIGG

Senator Quigg: "Well, Mr. President, I am just glad that at this stage of the session, we had a chance to handle this matter now and not in the dark of the night, or as Bing would have said, 'in the blue of the night.'"

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981—44.

On motion of Senator Hayner, all members were permitted as additional sponsors to Senate Resolution 1981—44.

On motion of Senator Hayner, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—44

By Senators Hayner, Jones, Bottiger, Fleming, Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallaghan, Gaspard, Goltz,

Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, Devout and heartfelt prayers are offered by our citizens for the speedy and complete recovery of President Ronald Reagan and the other three men who were tragically struck down by an assailant's bullets on March 30, 1981; and

WHEREAS, No greater example of dedication to the traditional values of our country and the selfless sacrifice of government service can be displayed than to dedicate ones life and well-being to preserving and protecting the integrity of the person and the office of the President of the United States; and

WHEREAS, The President along with the other three public servants were carrying out their civic duties; and

WHEREAS, The Washington State Senate finds violence is a most despicable display of public behavior;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate publically express its sincere sorrow over the tragic events occurring on a public street in our nation's capitol on March 30, 1981; and

BE IT FURTHER RESOLVED, That the Washington state Senate offers prayers and best wishes for a speedy recovery to President Ronald Reagan, his press secretary James Brady, secret service agent Timothy McCarthy and Washington D. C. police officer Thomas Delahanty; and

BE IT FURTHER RESOLVED, That the Washington State Senate offers prayers and condolences to the families of these brave Americans; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the office of the Secret Service, in the U. S. Department of the Treasury, the Chief of the Washington, D. C. Police Department, and the office of the White House press secretary, and the families of James Brady, Timothy McCarthy, Thomas Delahanty and the First Family.

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981—46.

On motion of Senator Quigg, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—46

By Senator Deccio, Hansen, and Newhouse:

WHEREAS, Two Washingtonians, Phil and Steve Mahre of White Pass and Yakima, have represented this state and nation all over the world in Alpine Skiing competitions; and

WHEREAS, On March 28, Phil and Steve Mahre participated in the World Cup in Laax, Switzerland; and

WHEREAS, On that day, Phil Mahre won First Place in the World Cup, the prestigious trophy for the world's best all-around Alpine skier; and

WHEREAS, Phil Mahre's combined performance in the slalom, downhill and combination events won him the distinction of being the first American to ever win the World Cup; and

WHEREAS, On that day, Steve Mahre won fourth place in the World Cup; and was the only other American to finish the race; and

WHEREAS, Both athletes participated in 23 various World Cup races throughout the season, to qualify in the World Cup; and

WHEREAS, They are an example to other young people in the state of Washington for their hard work, dedicated effort and self-sacrifice;

NOW, THEREFORE BE IT RESOLVED, That the city of Yakima will honor the Mahre Twins in a special parade Friday, April 3, at 4 p.m.; and

BE IT FURTHER RESOLVED, That the Senate officially congratulate Steve and Phil Mahre on their courage, desires, talents and many accomplishments, especially in the World Cup;

BE IT FURTHER RESOLVED, That this resolution be transmitted to Steve and Phil Mahre and their proud family, and posted conspicuously at the White Pass Ski Lodge.

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981—51.

On motion of Senator Jones, the following resolution was adopted:

SENATE RESOLUTION 1981—51

By Senators Hayner, Jones, Bottiger and Fleming:

WHEREAS, The state organization of the Young Men's Christian Association has conducted a Youth Legislature during the past several years for which the use of the Senate and House Chambers for this purpose has been granted; and

WHEREAS, These Youth Legislatures have been most successful and educational to all participating therein; and

WHEREAS, It is the desire of the Legislature of the State of Washington to encourage the interests of our youth in legislative matters and in the proceedings of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that the use of the Senate Chamber and committee rooms be granted to the state organization of the Young Men's Christian Association for the Youth Legislature to be held in 1981 and 1982.

MOTION

On motion of Senator Clarke, the following Senate Resolutions were referred to the Committee on Rules: 16, 48, 52, 53.

MOTION

On motion of Senator Lee, the Judiciary Committee was relieved from further consideration of House Bill No. 149.

On motion of Senator Lee, House Bill No. 149 was rereferred to the Committee on Social and Health Services.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 10, 1981.

SENATE BILL NO. 3384, providing for post-retirement adjustments for public retirement systems (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3384 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen.

Passed to Committee on Rules for second reading.

April 10, 1981.

SENATE BILL NO. 3993, relating to the international registration plan (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3993 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Gallagher, Guess, Hansen, Kiskaddon, Peterson, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senator Lysen.

Passed to Committee on Rules for second reading.

April 10, 1981.

SUBSTITUTE HOUSE BILL NO. 145, providing an alternate tax on small harvesters of timber (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Haley, Jones, Lee, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1981

SUBSTITUTE HOUSE BILL NO. 178, modifying requirements for building and funding the Washington center for the performing arts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Gaspard, Haley, Hayner, Jones, Lee, Ridder, Wojahn.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

April 9, 1981.

HOUSE BILL NO. 370, authorizing excess levies for road districts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED HOUSE BILL NO. 439, providing that candidates for municipal office may file with the city clerk (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Ridder.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Woody.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 452, providing for city council members as members of the urban arterial board (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

Passed to Committee on Rules for second reading.

April 9, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561, providing for the allotment of local funds of state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1981.

HOUSE BILL NO. 572, transferring responsibility for voting devices to the secretary of state (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Ridder.

Passed to Committee on Rules for second reading.

April 10, 1981.

HOUSE BILL NO. 727, modifying provisions relating to assessments of forest lands for fire protection and suppression purposes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen.

Passed to Committee on Rules for second reading.

April 9, 1981.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 10, authorizing appointment of retired judges as superior court judges pro tem (Reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Ridder, Woody.

Passed to Committee on Rules for second reading.

STATEMENT FOR THE JOURNAL

April 20, 1981.

TO: Honorable Sid Snyder
Secretary of the Senate
FROM: Senator Hal Zimmerman
RE: Statement for the Journal

Because of the recent death of my daughter, Judi Jean Zimmerman, I missed session and votes on measures before the Senate on the following days: March 31, April 1, 10, and 11. Republican Caucus leadership arranged to hear a consent calendar so that there would be no major controversial issues decided those days.

MOTION

At 11:45 a.m., on motion of Senator Hayner, the Senate adjourned until 10:30 a.m., Monday, April 13, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 13, 1981.

The Senate was called to order at 10:30 a.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 10:45 a.m.

The Secretary called the roll and announced to the President that all Senators were present except Senators McDermott and Pullen. On motion of Senator Ridder, Senator McDermott was excused.

The Color Guard, consisting of Pages Richard Biggs and Kraig Anderson, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 324, eliminating interest rate limits for certain government financial obligations (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 8, 1981.

HOUSE BILL NO. 461, authorizing educational reciprocity as to institutions of higher education with State of Idaho (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Charnley, Goltz, Guess, McDermott, Patterson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 11, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 268,

REENGROSSED HOUSE BILL NO. 286, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 11, 1981.

Mr. President: The House has adopted: **HOUSE CONCURRENT RESOLUTION NO. 18,** and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 11, 1981.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3034,
 SENATE BILL NO. 3052,
 SENATE BILL NO. 3058,
 SUBSTITUTE SENATE BILL NO. 3075,
 SUBSTITUTE SENATE BILL NO. 3080,
 SENATE BILL NO. 3098,
 SUBSTITUTE SENATE BILL NO. 3150,
 SENATE BILL NO. 3158,
 SENATE BILL NO. 3168,
 SENATE BILL NO. 3170,
 SENATE BILL NO. 3234,
 SENATE BILL NO. 3498, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 268, by Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representatives Ellis, Hine, Burns and Rust.

Delaying vehicle license renewal until unpaid parking fines are paid.
 Referred to Judiciary Committee.

REENGROSSED HOUSE BILL NO. 286, by Representatives, Teutsch, Brekke, Mitchell, Valle, Williams, Wang, King (J), Tilly, Rinehart, Thompson, Sommers, McDonald, Stratton, Pruitt, Nisbet, Chamberlain, Winsley, Sanders, Ehlers, Sherman, Patrick, Lux, Isaacson, Eng, Greengo, Gruger, Tupper, Garrett, Wilson, Maxie, Erickson, Eberle, Heck, Granlund, Kreidler, Hine, Burns and Rust:
 Continuing the displaced homemakers program.

MOTION

On motion of Senator Clarke, Reengrossed House Bill No. 286 was referred to the Committee on Ways and Means.

FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 18, by Committee on Labor and Economic Development and Representatives Eberle, Patrick, Sanders, Addison and Tilly:

Recommending the continuation of the office of small business.
 Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Clarke, in view of the Governor's request, the gubernatorial appointment of James S. Munn, assigned the number of 448, was returned.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3554.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3554, by Committee on Commerce and Labor (originally sponsored by Senators Bluechel, Fleming, Ridder, Wojahn, Gaspard, Bauer, Zimmerman and Gallagher (by Governor Spellman, Secretary of State and State Treasurer request):

Implementing law by providing means to finance local economic and employment development.

The Senate resumed consideration of Substitute Senate Bill No. 3554 from April 10, 1981. The following amendment by Senators Hurley and Williams had been moved for adoption by Senator Hurley at that time:

On page 10, line 29, after "power." insert "Nothing herein shall be construed to give to, or allow, any municipal corporation in the furtherance of this act to exercise the power of eminent domain. Any public corporation created pursuant to this act shall, in the acquisition of any interest in real property, be required to provide all relocation assistance benefits and service required of state agencies pursuant to chapter 8.26 RCW."

POINT OF INQUIRY

Senator Talmadge: "Senator Bluechel, as you know there are many people in the entire Senate that have a concern about the exercise of the power of eminent domain. In Senator Hurley's amendment it says that 'The power of eminent domain shall not be exercised by a municipality in furtherance of the purpose of the public corporation.' In your amendment it says 'No municipality shall exercise the eminent domain authority on behalf of a public corporation.'

"Do you see any difference whatsoever between the term 'in the furtherance of' as opposed to the term 'on behalf of' a public corporation?"

Senator Bluechel: "Mr. President, and no, Senator Talmadge, I do not. This was drafted by the attorneys to do exactly what Senator Hurley wanted without any change. There is no intent for a community to exercise its power of eminent domain and then turn around and utilize the public corporation to do something on the area on which they have condemned.

"This amendment is designed to prohibit that act specifically."

POINT OF INQUIRY

Senator Hurley: "Senator Bluechel, why, then, if your amendment means exactly the same as my amendment, I do not see what the need is to make any changes. Could you tell me what your purpose is?"

Senator Bluechel: "Senator Hurley, your amendment is in two parts; one is relocation assistance, the other is the power of eminent domain. According to the attorneys who drafted this, there is no need for the relocation assistance because at no time will there be any use of the power of eminent domain to condemn properties that would further, or after the fact, be used for a public corporation. And it was felt that this amendment does exactly what you want legally. I am advised that the language is more straightforward to do and to get the end result you specifically want."

There being no objection, on motion of Senator Hurley, the amendment by Senators Hurley and Williams was withdrawn.

On motion of Senator Bluechel, the following amendment was adopted:

On page 10, line 29, add:

"No municipality shall exercise its attributes of sovereignty, including, without limitation, the power to tax, the power of eminent domain, and the police power on behalf of a public corporation."

On motion of Senator Hurley, an amendment to page 10, line 29 on the desk of the Secretary of the Senate was withdrawn.

Senator Williams moved adoption of the following amendment by Senators Williams and McDermott:

On page 14, line 6, strike "without" and insert "subject to"

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Williams and McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Gaspard, Goltz, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vogniid, Williams, Wojahn, Woody—19.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—28.

Absent or not voting: Senator Pullen—1.

Excused: Senator McDermott—1.

An amendment by Senator Pullen to page 16, line 25 was ordered held for the arrival of Senator Pullen.

Senator Williams moved adoption of the following amendment by Senators Williams and Gould:

On page 19, after line 32, insert the following:

"**NEW SECTION.** Sec. 18. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means an applicant for an energy project loan or grant.

(2) "Director" means the director of the state energy office, or the director of any successor agency.

(3) "Fund" means the conservation and small scale renewable energy development revolving fund.

(4) "Energy office" means the state energy office, or any successor agency.

(5) "Conservation materials and equipment" means materials, equipment, and services the use of which improves the efficiency of energy use, including but not limited to caulking, weatherstripping, insulation, storm windows and doors, multiple glazing, heat pumps, waste-heat recovery system, cogeneration systems, and recycling of materials.

(6) "Small scale renewable energy systems" mean systems under ten megawatts in capacity for the use of renewable energy resources, including solar, wind, hydro, wave, tidal, geothermal, wood, wood wastes, municipal wastes, agricultural wastes, and other resources.

(7) "Cost effective" means that the cost of energy saved or produced by the use of conservation materials and equipment or small scale renewable energy systems is equal to or less than the estimated incremental system cost of energy from the most

expensive energy resource proposed, licensed for construction, or in operation by an energy supplier doing business in the state.

(8) "Energy audit" means an inspection of a residential, commercial, agricultural, or industrial structure, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment or small scale renewable energy systems and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment.

(9) "Small business" has the same meaning prescribed by RCW 43.31.920.

(10) "Energy suppliers" means heating oil dealers, propane dealers, natural gas companies, and public and private energy utilities.

(11) "Advisory committee" means the conservation and small scale renewable energy development project advisory committee.

(12) "Project" means the development or implementation of small scale renewable energy systems or conservation materials and equipment.

(13) "Local government" means a city, town, or county.

(14) "Low-income person" means a person whose income would qualify the person for a property tax exemption under RCW 84.36.381 as now or hereafter amended. This definition applies regardless of whether the person owns taxable property or has obtained such a property tax exemption.

(15) "Regulated financial institution" means a commercial bank, mutual savings bank, savings and loan association, or credit union authorized to do business in this state and whose deposits are insured by the federal deposit insurance corporation, the federal savings and loan insurance corporation, or the national credit union association.

NEW SECTION. Sec. 19. (1) There is established the conservation and small scale renewable energy development revolving fund, which shall consist of:

(a) The proceeds of the general obligation bonds authorized under this chapter;

(b) Application fees paid under this chapter;

(c) Repayment of loans made from the fund, including any interest thereon; and

(d) Any other moneys appropriated to it by law.

(2) The state treasurer shall be custodian of the fund. Disbursements from the fund shall be on authorization of the director. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 20. (1) Any individual, association, company, or corporation may file an application to obtain funds for a project or program involving the development of renewable energy sources as provided in this chapter.

(2) Applications to obtain funds shall be made to:

(a) Energy suppliers, for conservation materials and equipment of a total cost of up to three thousand dollars and for small scale renewable energy systems of a total cost of up to ten thousand dollars;

(b) Local governments, for conservation materials and equipment of a total cost of up to three thousand dollars and for small scale renewable energy systems of a total cost of up to ten thousand dollars; or

(c) The energy office, for conservation materials and equipment costing more than three thousand dollars total, small scale renewable energy systems costing more than ten thousand dollars per system, and for loans and grants in lesser amounts if the loans or grants are unavailable from both energy suppliers and local governments. The energy office shall also receive and review applications from energy suppliers and local governments for funds to be disbursed by them to applicants under (a) and (b) of this subsection. These applications shall be automatically approved by

the director if the standards and criteria established under section 22(1)(a) of this act are met.

(3) Applications to obtain funds shall be made in writing on a form prescribed by the energy office. Applications submitted shall:

(a) Describe the nature and purpose of the proposed project or program;

(b) State whether any purposes other than energy production or conservation, but consistent therewith, will be served by the proposal, and the nature of such other purposes, if any;

(c) Include an evaluation of the potential environmental impacts of the proposal;

(d) State whether any moneys other than those under this chapter are proposed to be used for the implementation of the proposal, and whether any moneys are available or have been sought for the project;

(e) Describe the source of funds for repayment of the loan applied for; and

(f) State whether the applicant is eligible for grants or loans from other sources at comparable or lower interest rates.

NEW SECTION. Sec. 21. (1) The director shall appoint a conservation and small scale renewable energy development advisory committee to review applications made under section 20(2)(c) of this act and make recommendations thereon to the director.

(2) Seven members shall be appointed to the advisory committee. Each member shall be appointed to serve a two-year term, commencing July 1 of the year of appointment and until a successor is appointed and qualified. The members shall represent the citizens of this state and shall be collectively knowledgeable in the areas of renewable energy source technology, conservation, natural resource development, environmental protection, finance, agriculture, local government operations, and utility operations.

(3) The advisory committee shall elect its own presiding officer, adopt rules for its procedure, and meet on call of the presiding officer or a majority of the members. A majority of the members constitute a quorum to conduct the business of the advisory committee. The director shall provide administrative facilities and services for the advisory committee.

(4) Members of the advisory committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 22. (1) After consultation with the advisory committee, the director shall by rule establish standards, criteria, and procedures for projects to be funded under this chapter. The standards and criteria shall operate to encourage diversity in projects funded and assure acceptability of environmental impacts. The standards and criteria shall require consideration of the potential contribution of a project if developed at other suitable locations to meeting the energy needs of this state. In order to encourage diversity in projects funded, the director shall allocate percentages of the fund for distribution between conservation materials and equipment and small scale renewable energy systems projects, and between residential, commercial, agricultural, and industrial end users.

(a) After consultation with the advisory committee, the director shall establish standards and criteria for the disbursement of funds to energy suppliers and local governments. Energy suppliers and local governments that receive funds shall comply with standards and criteria established by the director for the distribution of those funds by energy suppliers and local governments to applicants for project loans or grants under section 20(2)(a) or (b) of this act. No funds may be distributed to energy suppliers or local governments unless the energy supplier or local government can first demonstrate:

(i) That the energy supplier or local government has in place a free energy audit program for use by its customers;

(ii) That the funds will be used to make loans of up to three thousand dollars per customer for conservation materials and equipment identified in an energy audit as being cost-effective; or that the funds will be used to make loans of up to ten thousand dollars per customer for the installation of small scale renewable energy systems in the customers' residential, commercial, agricultural, or industrial buildings; and

(iii) That the money received by the energy supplier or local government from the fund will be immediately disbursed to the applicants and will not be used or invested in any other way by the energy supplier or local government.

(b) Applications by individuals, associations, companies, or corporations for conservation loans of less than three thousand dollars shall be accepted for review by the energy office only if the applicant demonstrates that a loan from an existing energy supplier or local government loan program is not available to the applicant.

(c) After consultation with the advisory committee, the director shall establish standards and criteria for the disbursement of grants. Grants shall be made available only to low-income persons for the implementation of conservation materials and equipment. Five percent of the total fund moneys shall be set aside for grants.

(d) Where appropriate, the standards and criteria established by the advisory committee shall establish a preference for the disbursement of funds for residential use and for use by small businesses.

(2) All applications submitted under section 20(2)(c) of this act shall be reviewed by the energy office. The energy office may request that the applicant submit additional information or revise the application. The energy office shall:

(a) Determine whether the application meets the standards and criteria adopted under subsection (1) of this section; and

(b) Recommend approval or denial of the loan application, and, if approval is recommended, in what amount the loan should be made.

(3) After concluding its review, and unless otherwise authorized by the advisory committee, the energy office shall refer the application and its findings, reports, and recommendations to the advisory committee for its review. The energy office shall notify the applicant of the date, time, and place of any oral presentation to the advisory committee on the application. The advisory committee shall review the applications for loans and the department's findings, reports, recommendations to insure that the project meets the criteria established by the director under subsection (1) of this section. The advisory committee shall advise the director whether each proposed project which it reviews should be financed with moneys from the fund and in what amount the loan should be made if approved.

NEW SECTION. Sec. 23. (1) After consideration of the recommendation of the advisory committee or, as authorized by the advisory committee, the recommendation of the energy office, the director may approve or reject an application for the financing of a project.

(2) Approval of a loan by the director shall include a certification of the amount of the loan. The director's approval shall be based on a finding that:

(a) The project meets established standards and criteria under section 22 of this act;

(b) The project is feasible and a reasonable risk from practical and economic standpoints;

(c) The plan for development of the project is satisfactory;

(d) The applicant is qualified, credit-worthy, and responsible and is willing and able to enter into a contract with the director for development and repayment as provided in section 25 of this act;

(e) The applicant's financial resources are adequate to provide the working capital to maintain the project after completion;

(f) Moneys in the fund are or will be available for the development of the project; and

(g) There are no significant adverse environmental impacts of the project.

NEW SECTION. Sec. 24. The decision of the director to reject a loan or grant application or to approve an amount different than that requested by the applicant is final and not appealable. The decision of the director is not subject to judicial review.

NEW SECTION. Sec. 25. If the director approves a loan for a project, the director, on behalf of the state, shall enter into a loan contract, secured by a first lien or by other good and sufficient collateral, which shall set forth, among other matters:

(1) That the director, on behalf of the state, must approve the arrangements made by the applicant for the development, operation, and maintenance of the project;

(2) A plan for repayment by the loan applicant to the fund of moneys borrowed from the fund used for the development of the project and interest on those moneys at a rate of interest the director determines is necessary to provide adequate funds to recover the administrative expenses incurred under this chapter;

(3) Any other provisions the director considers necessary to insure expenditure of funds for the purposes set forth in the application, and to protect the integrity of the fund; and

(4) That the director may institute an appropriate action or suit to prevent use of the project financed by the fund by any person who is delinquent in the repayment of any moneys due the fund.

The director may contract with regulated financial institutions to provide application processing or other services.

NEW SECTION. Sec. 26. If the director approves a loan or grant, the state treasurer shall pay out moneys for the loan or grant project from the fund in accordance with the terms of the contract, as prescribed by the director.

NEW SECTION. Sec. 27. (1) If a loan under this chapter is secured by a lien on the real property of the applicant, the director shall file notice of the loan with the recording officer of each county in which is situated the real property of the applicant. The notice shall contain a description of the real property of the applicant, the amount of the loan, and a statement that the state has a lien against the real property.

(2) Upon payment of all amounts lent to an applicant, the director shall file with each recording officer referred to in subsection (1) of this section a satisfaction notice that indicates repayment of the loan.

(3) The director may cause to be instituted appropriate proceedings to foreclose liens for delinquent loan payments and shall pay the proceeds of any such foreclosure, less the expenses incurred in foreclosing, into the fund.

NEW SECTION. Sec. 28. If an applicant fails to comply with a contract entered into with the director for development and repayment as provided in this chapter, the director, in addition to remedies provided in section 27 of this act, may seek other appropriate legal remedies to secure the loan and may contract as provided in section 25 of this act with any other person for continuance of development and for repayment of moneys from the fund used therefor and interest thereon.

NEW SECTION. Sec. 29. The director may accept gifts of money or other property from any source, given for the purposes of this chapter. Moneys so received shall be paid into the fund. Money or other property so received shall be used for the purposes for which received.

NEW SECTION. Sec. 30. In accordance with chapter 34.04 RCW, the director may adopt rules considered necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 31. If any project is refinanced or financial assistance is obtained from other sources after the execution of the loan from the state, all such funds shall be first used to repay the state.

NEW SECTION. Sec. 32. If the applicant receives from any source other than the fund any moneys to assist in the development of the project, the amount of the loan to the applicant from the fund shall be limited to that amount necessary for the development of those portions of the project not funded by other sources.

NEW SECTION. Sec. 33. For the purpose of financing grants and loans under this chapter, the state finance committee is authorized to issue and sell general obligation bonds of the state of Washington in the sum of five hundred million dollars, or so much thereof as may be required, to finance the grants and loans and all costs incidental thereto. The bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 34. When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the bonds, which notes shall be designated as "bond anticipation notes."

NEW SECTION. Sec. 35. The state finance committee is authorized to determine the amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment, and covenants of the bonds and the bond anticipation notes; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption.

NEW SECTION. Sec. 36. Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 37. The proceeds from the sale of the bonds and bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all of the moneys which the state finance committee or the state energy office may direct the state treasurer to deposit therein, shall be deposited in the conservation and small scale renewable energy development revolving fund.

NEW SECTION. Sec. 38. All principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state energy office exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

NEW SECTION. Sec. 39. The conservation and small scale renewable energy development bond retirement fund, hereby created in the state treasury, shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenue received in the state treasury and deposit in the conservation and small scale renewable energy development bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If notes are issued under sections 34 and 35 of this act, the state finance committee, on or before June 30th of each year, shall certify to the state treasurer the

amount needed in the following twelve months to meet note principal and interest payments. Not less than thirty days before the date on which any interest payment is due, the state treasurer shall transfer from any general state revenues to the conservation and small scale renewable energy development bond retirement fund the amount certified by the state finance committee to be due. Not less than five days before the date on which any principal payment is due, the state treasurer shall transfer from the revolving fund to the conservation and small scale renewable energy development bond retirement fund an amount raised from the proceeds of bonds or notes issued under sections 34 through 38 of this act sufficient to meet the principal payment certified by the state finance committee to be due.

NEW SECTION. Sec. 40. The legislature may provide additional means for raising moneys for the payment of the principal of and the interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 41. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 42. Except as to bonds, loans, and grants issued prior to January 1, 1995, this chapter shall expire on January 1, 1995, unless extended by the legislature by law.

NEW SECTION. Sec. 43. Sections 18 through 42 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 44. Sections 18 through 42 of this act shall take effect on January 1, 1982, if the proposed amendment to Article , section of the state Constitution (SJR No.) is validly submitted and approved and ratified by the voters at the general election held in November 1981. If the proposed amendment is not so approved and ratified, sections 18 through 42 of this act shall be void in its entirety."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Bluechel: "Mr. President, I would like to raise the question of scope and object on this amendment.

"Mr. President, the bill itself deals with revenue bonds issued by local governments. The amendment deals with general obligation bonds of the state and brings in lending of the full faith and credit of the state. I think those are two substantially different subjects."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bluechel, the President finds that Substitute Senate Bill 3554 is a measure which allows municipalities to create corporations that are authorized to issue tax exempt revenue bonds for the purpose of financing local economic and employment development.

"The amendment proposed by Senators Williams and Gould is a measure which deals with the totally distinct subject of allowing the state to finance loans for energy conservation and renewable energy development through the sale of general obligations bonds.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Williams and Gould was ruled out of order.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3554, as amended, was ordered held for further consideration following Engrossed Substitute House Bill No. 307.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, by House Committee on Labor and Economic Development (originally sponsored by House Committee on Labor and Economic Development and Representatives Fancher, Nelson (G.) and Gallagher):

Implementing the law relating to unemployment compensation.

REPORT OF STANDING COMMITTEE

April 8, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, implementing the law relating to unemployment compensation (reported by Committee on Commerce and Labor):

Recommendation: Do pass with the following amendments:

Page 6, line 10, after "respect to" strike "weeks in which benefits are" and insert "benefits".

Page 8, line 7, after "obtaining" insert "bona fide".

Page 8, lines 16 through 35, strike Section 5 in its entirety. Renumber the remaining sections.

Page 11, line 16, after "commissioner" and before "may" insert, "upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action".

Page 19, line 31, after "appeal" insert "in single claimant cases".

Page 23, after line 9, insert a new section to be added to chapter 50.04 RCW to be numbered 50.04.165 to read as follows:

"NEW SECTION. Sec. 13. At the discretion of the employer, services performed after September 30, 1981, in the capacity of corporate officers may not be considered services in employment. This exemption shall not apply to services performed by corporate officers that are covered by chapter 50.44 RCW."

Renumber the remaining sections.

Page 23, after line 15 add a new section to read as follows:

"NEW SECTION. Sec. 15. Sections 3, 5, and 8 of this 1981 amendatory act are being enacted to comply with the provisions of Pub. L. 96-499. Ambiguities in those sections should be interpreted in accordance with provisions of that federal law. Section 9 of this 1981 amendatory act is enacted pursuant to Pub. L. 96-364. Any ambiguities in that section should be construed in accordance with that federal law."

Renumber the remaining sections.

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendments to pages 6, 8, 11 and 19 were adopted.

Senator Quigg moved adoption of the committee amendment to page 23, line 9. Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the committee amendment to page 23, line 9.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Wilson, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wojahn—21.

Absent or not voting: Senator Woody—1.

Excused: Senator McDermott—1.

On motion of Senator Quigg, the committee amendment to page 23, line 15 was adopted.

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute House Bill No. 307, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Woody was excused.
Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 307, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Zimmerman—46.

Voting nay: Senators Shinpoch, Williams—2.

Excused: Senator Woody—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, 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.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3554, by Committee on Commerce and Labor (originally sponsored by Senators Bluechel, Fleming, Ridder, Wojahn, Gaspard, Bauer, Zimmerman and Gallagher (by Governor Spellman, Secretary of State and State Treasurer request):

Implementing law by providing means to finance local economic and employment development.

The Senate resumed consideration of Substitute Senate Bill No. 3554, as amended, from earlier today and also considered on April 10, 1981.

Senator Pullen moved adoption of the following amendment:

On page 15, line 25, after "requested" and before the comma insert "by any citizen"

On motion of Senator Bluechel, the following amendment to the amendment by Senator Pullen was adopted:

On the last line of the amendment, strike "citizen" and insert "resident"

The motion by Senator Pullen carried and the amendment, as amended, was adopted.

There being no objection, on motion of Senator Pullen, an amendment to page 20, line 1 on the desk of the Secretary of the Senate, was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 20, line 5, add a new section as follows:

"**NEW SECTION.** Sec. 20. The provisions of Article 1, Section 12, of the State Constitution shall be strictly applicable to this act."

Renumber the remaining sections accordingly.

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen, McDermott, Metcalf, Rasmussen, Hurley, Williams, Craswell, Benitz and Talmadge:

On page 20, line 8 after "affected" insert ": PROVIDED, HOWEVER, That this act shall be contingent upon the passage of Substitute Senate Joint Resolution 115 at the 1981 general election. In the event that Substitute Senate Joint Resolution 115 is not submitted to the voters or is rejected by the voters, this entire act shall be null and void and without force or effect."

Debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Pullen and others.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Charnley, Clarke, Craswell, Gallagher, Gaspard, Haley, Hansen, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Pullen, Quigg, Rasmussen, Shinpoch, Talmadge, Vognild, Williams, Wilson—23.

Voting nay: Senators Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Goltz, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, Newhouse, Patterson, Peterson, Ridder, Scott, Sellar, Talley, von Reichbauer, Wojahn, Zimmerman—25.

Excused: Senator Woody—1.

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute Senate Bill No. 3554 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Newhouse, Quigg and Kiskaddon demanded the previous question.

Senator Bottiger demanded a roll call on the previous question.

There being no objection, the demand for the previous question by Senators Newhouse, Quigg and Kiskaddon was withdrawn by Senator Newhouse.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Yes, I would like to ask Senator Bluechel or Senator Clarke or Senator Scott a question and I do not know who wants to answer it so I will ask the question first.

"We have, on this calendar, a Constitutional amendment and also a bill which is presently before us. My understanding was the Constitutional convention (amendment) or the Constitutional resolution, amendment, would run concurrently with the

bill; and we also have on the calendar, Senate Bill 4119, tax increment financing which does not have a Constitutional convention (amendment) on the agenda.

"I want to know, are we going to run two bills that involve perhaps Constitutional changes, without any Constitutional amendment to go with it? Are we using the same philosophy that the court will approve without a Constitutional change, what the public has not had a chance to vote on?"

Senator Hayner: "I answered that question before, Senator Wojahn, at least I thought I did. What I said was that we are sending this implementing statute over to the House. They have a Constitutional amendment there that will fit with it and they are going to send them both back to us, or at least the Constitutional amendment, their Constitutional amendment. If they make any changes in the implementing statute, that will come back also."

Senator Wojahn: "One further question, then. I notice that Senate Bill 4119 also, in my opinion, would require a Constitutional amendment, and that is 104; so we have two Constitutional amendments in two bills.

"Now what about 104, is that going to come back from the House, too, or is that going to be ignored, and are we going to try to pass the bill with no Constitutional amendment?"

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President, perhaps I could respond. The bill that is the Constitutional amendment, is in the ways and means committee, has been there for quite a while and has been waiting for a hearing in the Senate.

"There is another companion measure in the House, and at this point I have not too much confidence that we are going to get tax increment financing out of the legislature; and I am not too confident that 4119 is going to get out. But the whole theory of the bill being before you, was exactly the theory that there has been the criticism that if you only have a Constitutional amendment, you do not know what is going to be in it and therefore we need to show them what the measure would be.

"At this point we have all the vehicles and they are all around here and available but at the same time I am convinced, like you, that they both should, at some point, be sure that they all were passed; but they obviously will not go into effect, the bill would not go into effect until the Constitutional amendment would be approved by the people and by the two-thirds of the legislature before it gets to the legislature. So I mean, this, you know, it is a *comme ci, comme Ca* .

"At this point we are in the same position, but I do not think there is quite the enthusiasm for tax increment financing, redevelopment financing as there is for industrial financing."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Could I continue this, Mr. President: Then I would like to ask Senator Clarke a question. Senator Clarke, are you going to hear Senate Joint Resolution 104 in ways and means with the idea that it perhaps could pass?"

"While you are waiting to answer that question, I would direct my response back to Senator Zimmerman and suggest that we are going to attack and try to take on 4119 with no Constitutional convention (amendment) to accompany it as we may be doing with the bill presently before us in the hope that the supreme court will find that they are not unconstitutional. That would worry me. I have to know what I am going to do, I need an answer before I vote on this bill before us."

REMARKS BY SENATOR SCOTT

Senator Scott: "No."

Senator Wojahn: "Thank you."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3554, and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Zimmerman—36.

Voting nay: Senators Charnley, Clarke, Craswell, Lysen, McDermott, Metcalf, Pullen, Rasmussen, Ridder, Shinpoch, Vognild, Williams, Woody—13.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3554, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Metcalf: "Thank you, Mr. President, members of the Senate. And I thank you Senator Clarke for your courtesy.

"I have just had placed on your desk, a letter which I have sent to our state treasurer, Mr. O'Brien, and I have discussed this at length with our very excellent state treasurer, and I want you to know I would do nothing to embarrass him, and also can assure that he has, is not at all uncomfortable with this letter.

"I did, as the letter states, cash my check last week at the state treasurer's office and I got these Federal reserve notes and I want you to know I am not happy with Federal reserve notes because they are sort of like ice cubes, they tend to lose their value; they melt. And when I started in politics they were losing their value about 1½% a year, and now about 13% and 18% a year.

"And I just want you to know that I am going to cash my check as I assured the state treasurer, this next week, and I am going to endorse it in this way 'It is hereby officially noted that in cashing this check I will accept only Constitutional, lawful money.'

"Now I would ask you to stay tuned in later, for the next interesting episode in this little drama, 'Is our money really money?'"

MOTION

At 12:45 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3946.

SECOND READING

SENATE BILL NO. 3946, by Senator Talley:
Modifying the aircraft fuel excise tax.

REPORT OF STANDING COMMITTEE

March 20, 1981.

SENATE BILL NO. 3946, modifying the aircraft fuel excise tax (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, line 7, strike "aeronautics account of the"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Charnley, Gallagher, Guess, Hansen, Kiskaddon, Peterson.

The bill was read the second time by sections.

Senator Patterson moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Talley: "Senator Patterson, . . . pilots and the oilports all set to fight in favor of it. It does not affect commercial airlines or commuter airlines. The amendment takes commuter airlines out, doesn't it?"

Senator Patterson: "Senator Talley, the committee amendment was basically taking out that provision we had for a transfer of some (sum) of \$5,000,000 or \$7,000,000 from the general fund into the air facilities account. And that is what basically the committee amendment which left only the increase from the cents-per-gallon to the percentage per gallon."

The motion of Senator Patterson carried and the committee amendment was adopted.

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 3946 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, Senator Goltz was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3946, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent or not voting, 3; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Moore, Newhouse, Patterson, Peterson, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Williams, Wilson, Zimmerman—30.

Voting nay: Senators Bauer, Fleming, Gould, Hughes, Hurley, Lysen, McDermott, Metcalf, Pullen, Rasmussen, Ridder, Talmadge, Vognild, Wojahn, Woody—15.

Absent or not voting: Senators Gallagher, Haley, Quigg—3.

Excused: Senator Goltz—1.

ENGROSSED SENATE BILL NO. 3946, 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

Senator Jones: "Mr. President, I move that the members of the Senate be limited from now until *sine die* to three minutes comment on any motion before the body, except that the sponsor of the motion may open and close debate on the motion. And no yielding of time."

PARLIAMENTARY INQUIRY

Senator Charnley: "Is this an amendment to Senate rules, because if it is, I would feel we do not have the one-day notice? I am not in objection, I am not speaking or would not speak in opposition to the rule but I am wondering if we are following our rules correctly."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Charnley, it is not a change in the Senate rules, however, such a time limitation may be placed, according to Senate rules."

Senator Charnley: "At any time; thank you very much."

REMARKS BY SENATOR JONES

Senator Jones: "I might add that this was brought upon me by popular request."

POINT OF INQUIRY

Senator Pullen: "Senator Jones, would you object if an opponent of the motion could also get a three-minute period in which to also close debate?"

Senator Jones: "Yes, I would object."

Senator Pullen: "Another question. The way you put the motion, you said 'no yielding to questions.' Could you explain what you mean by that?"

Senator Jones: "No yielding of time."

Senator Pullen: "No yielding of time."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Mr. President, I am wondering whether Senator Jones would yield to a friendly amendment? Recognizing that we will be coming up on some deadlines, and normally this motion is put when we start approaching that deadline, and I think it is next Tuesday or Wednesday. We approach the deadline when it is past the time that we can consider the House's amendments. Maybe we could amend that motion up until next week some time to five minutes to give Senator Hurley a little better chance of letting it all hang out."

Senator Jones: "I like the three minutes. By the way, it seldom has got beyond that but it has been the repetitious nature of some things, and I think I heard 'McDonalds' at least five times today and it just gave me hunger pangs."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Jones to limit debate to three minutes from this time to *Sine Die*.

ROLL CALL

The Secretary called the roll and the motion by Senator Jones carried by the following vote: Yeas, 27; nays, 19; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vogniild, Williams, Wilson, Wojahn, Woody—19.

Absent or not voting: Senators Gallagher, Quigg—2.

Excused: Senator Goltz—1.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 88.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 88, by Committee on Human Services (originally sponsored by Representatives Owen, Amen, Scott, Berleen, Granlund, Nelson (G.), Salatino, Patrick, Lux, Chamberlain and McGinnis):

Legalizing DMSO for therapeutic use.

REPORT OF STANDING COMMITTEE

April 1, 1981.

SUBSTITUTE HOUSE BILL NO. 88, legalizing DMSO for therapeutic use (reported by Committee on Social and Health Services):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

Notwithstanding any other provision of state law, DMSO (dimethyl sulfoxide) may be introduced into intrastate commerce as long as (1) it is manufactured and distributed by persons licensed pursuant to chapter 18.64 RCW, and (2) it is used, or intended to be used, in the treatment of human beings or animals for any ailment or adverse condition.

NEW SECTION. Sec. 2. There is added to chapter 70.54 RCW a new section to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfoxide) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct as defined in RCW 18.57-.170 and 18.72.030."

On page 1, line 1 of the title, after "health;" strike the remainder and insert "adding a new section to chapter 69.04 RCW; and adding a new section to chapter 70.54 RCW."

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

The bill was read the second time by sections.

Senator Deccio moved adoption of the committee amendment.

Senator Hansen moved adoption of the following amendment to the committee amendment:

On page 1, line 14, after "manufactured" strike "and" and insert "or"

Debate ensued.

The motion by Senator Hansen carried and the amendment to the committee amendment was adopted.

On motion of Senator Hansen, the following amendment to the committee amendment was adopted:

On page 1, line 16, after "RCW" insert "or chapter 18.92 RCW"

Senator Haley moved adoption of the following amendment to the committee amendment by Senators Haley and Talley:

On page 1, line 20 of the amendment, before the period and after "condition" insert ": PROVIDED, That DMSO intended for topical application, consistent with rules governing purity and labeling promulgated by the state board of pharmacy, shall not be considered a legend drug and may be sold to any retailer"

On motion of Senator Clarke, the following amendment to the amendment by Senators Haley and Talley was adopted:

On the last line of the amendment, strike "to" and insert "by"

POINT OF INQUIRY

Senator Talley: "Senator Haley, I joined with this amendment, I thought get it out to the public a lot more reasonable price; but does this in any way stop a doctor from prescribing it as a drug to be taken internally?"

Senator Haley: "No. If it is given by mouth or intravenously I believe that the board of pharmacy would pass rules saying it must be a legend drug and must be sold only by prescription."

Senator Talley: "It doesn't stop the doctor from doing that?"

Senator Haley: "No."

The motion by Senator Haley carried and the amendment, as amended, to the committee amendment was adopted.

Senator Haley moved adoption of the following amendment to the committee amendment:

On page 1, line 21 of the amendment, beginning with "NEW SECTION." strike everything down to and including "18.72.030." on page 2, line 18 of the amendment.

POINT OF INQUIRY

Senator Talmadge: "Mr. President, members of the Senate. In response to Senator Haley's inquiry, it is my understanding that DMSO has not been approved by the Federal Drug Administration for administration to people in this country; and I think there were some physicians and others who indicated some concern that should they prescribe or recommend the use of this particular drug, that they could possibly have problems with their professional disciplinary bodies.

"Maybe Senator Haley would respond to the concern that it is not an FDA approved drug as yet."

Senator Haley: "Yes, I would be glad to respond to that. I have never heard of any objection in any form whether it is by a body of health people, medical doctors and so forth, or by any particular article in literature, any precaution about its use intravenously, or by mouth. And I think anyone that uses it that way, certainly takes the usual risk that he is liable to be sued for malpractice or some actions brought against him if it isn't used that way, especially, as you point out the Food and Drug has not adopted it.

"But I believe that since there has been no mention of the fact by the medical society or any place else that I am aware of, there would be any disciplinary action taken against anybody. So I just do not believe it is necessary."

POINT OF INQUIRY

Senator Deccio: "Senator Haley, I think the Washington Medical Association was represented at the hearing but that is not the point I want to make.

"As I understand it, hospitals are really run by the doctors, . . . boards, I think they make some strange decisions; sometimes it affects the hospital. And I guess the reason that, I don't guess, I know the reason that this amendment was put in to make sure that no hospital could deny a patient the use of DMSO while they were in the hospital; and I think to take this, to adopt your amendment, would give a hospital, either through its own decision or a decision by its medical board, that they may not feel sufficiently sure that DMSO is a proper drug or product to use in solving illnesses or actions or what have you.

"And I think if we were to adopt your amendment, that that certainly would happen, that if someone, some physician wanted to use DMSO and it was a policy of the hospital that DMSO could not be used, then that doctor could not prescribe DMSO. And I think that really this amendment would probably allow the Washington Medical Association to regulate the use of DMSO, and I urge you to vote against it."

Senator Haley: "Well, to answer your question, if that is what it was.

"Inasmuch as the medical association has discussed this thing and nobody has brought up any particular criticism, it just seems like it is filling up RCWs with unnecessary laws. It seems like if somebody really had a problem in some particular hospital, then that would be one thing; but since I do not believe there has been any threat of action against anyone using it, I just do not believe it is necessary."

POINT OF INQUIRY

Senator McCaslin: "Doctor Haley, on line 11, 12 and 13, it says, 'This act is not intended to interfere with the sale and distribution of DMSO for use as a legitimate solvent.' Then the amendment addresses itself to ' . . . intrastate commerce as long as . . . it is used, or intended to be used, in the treatment of human beings or animals for any ailment or adverse condition.'

"Now can we still sell it for a solvent?"

Senator Haley: "Well, I believe so, I believe that those lines, 10, 11, 12 and 13 which are still there in the amendment, takes care of that."

Senator McCaslin: "Okay, we can still sell it, then for a solvent. Thank you, Doctor."

The motion by Senator Haley carried and the amendment to the committee amendment was adopted.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

Senator Haley moved adoption of the committee amendment to the title.

On motion of Senator Haley, the following amendment to the committee amendment to the title was adopted:

On page 2, line 25 of the title amendment, before "adding" insert "and" and on line 26 strike " : " and adding a new section to chapter 70.54 RCW"

The committee amendment to the title, as amended, was adopted.

On motion of Senator Haley, the rules were suspended, Substitute House Bill No. 88, as amended by the Senate, was advanced to third reading, second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 88, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Sellar—1.

SUBSTITUTE HOUSE BILL NO. 88, 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.

SECOND READING

SENATE BILL NO. 3442, by Senators Talley, Gallagher and Rasmussen: Creating a shellfish enforcement and enhancement fund.

MOTIONS

On motion of Senator Gallagher, Substitute Senate Bill No. 3442 was substituted for Senate Bill No. 3442 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gallagher, the rules were suspended, Substitute Senate Bill No. 3442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3442, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE SENATE BILL NO. 3442, 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 Clarke, the Senate commenced consideration of House Bill No. 120.

SECOND READING

HOUSE BILL NO. 120, by Representatives Smith, Amen and Warnke (by Legislative Budget Committee request):

Removing the state-aid to probation counselors program.

REPORT OF STANDING COMMITTEE

April 1, 1981.

HOUSE BILL NO. 120, removing the state-aid to probation counselors program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause insert the following:

"Section 1. Section 6, chapter 165, Laws of 1969 ex. sess. as amended by section 16, chapter 141, Laws of 1979 and RCW 13.06.060 are each amended to read as follows:

The secretary of social and health services may make pro rata payments to eligible counties for periods of less than one year(~~(; but for periods of not less than six months;))~~ upon satisfactory demonstration of a reduction in commitments in accordance with the provisions of this chapter and the regulations of the department of social and health services."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "counselors;" insert "amending section 6, chapter 165, Laws of 1969 ex. sess. as amended by section 16, chapter 141, Laws of 1979 and RCW 13.06.060;"

Signed by: Senators Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Deccio, the rules were suspended, House Bill No. 120, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 120, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Conner, Hughes—2.

Absent or not voting: Senator McDermott—1.

HOUSE BILL NO. 120, 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 Clarke, the Senate commenced consideration of Senate Bill No. 3084.

SECOND READING

SENATE BILL NO. 3084, by Senators Fleming, Goltz, Bauer, Gaspard, Moore, Williams and Ridder (by Governor Ray request):

Establishing a state housing finance commission.

MOTIONS

On motion of Senator Fleming, Second Substitute Senate Bill No. 3084 was substituted for Senate Bill No. 3084 and the second substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment:

On page 1, line 8, add a new section to read as follows:

"**NEW SECTION.** Section 1. This act shall be known and may be cited as the "Socialized Housing Act of 1981."

Renumber the remaining sections accordingly.

Debate ensued.

The motion of Senator Fleming failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 2, section 2, line 23, strike all of subsection (3) through line 5 on page 3 and replace with the following:

"(3) "Poor person" and "person of low net worth" shall mean a person whose net worth is less than ten thousand dollars. For the purposes of this act, net worth shall be defined as the total value of the person's real and personal property less the total value of the person's debts."

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

There being no objection, on motion of Senator Pullen, an amendment to page 4, line 23 on the desk of the Secretary of the Senate, was withdrawn.

MOTION

On motion of Senator Clarke, an amendment by Senator Deccio to page 9, line 15 was held down two amendments for consideration.

Senator Goltz moved adoption of the following amendment by Senators Fleming, Goltz and Ridder:

On page 11, line 28, after "persons." insert "Not less than five percent of all units shall be constructed or made accessible for and made available to handicapped persons on a priority basis."

Senator Pullen moved adoption of the following amendment to the amendment by Senators Fleming, Goltz and Ridder:

On line 2 of the amendment to page 11, line 28, before "percent" strike "five" and insert "ten"

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment was not adopted.

POINT OF INQUIRY

Senator Goltz: "Senator Fleming, how will this amendment, if it passes, make any difference in what is already required by existing laws? In other words, how can we be assured that the lenders and builders of these and future housing units, actually provide adequate space for the handicapped?"

Senator Fleming: "Mr. President and members of the Senate.

"Senator Goltz, you alluded to it earlier in your comment. This amendment will not change existing Federal and state requirements of housing for the disabled.

"Those requirements are already there; however, I want to make sure that the participants in these housing programs understand the legislature's intent to assure that those units are actually available and occupied. I want them to know that we will be monitoring the legislation for that effect.

The President declared the question before the Senate to be adoption of the amendment by Senators Fleming, Goltz and Ridder.

The motion by Senator Goltz carried and the amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 17, line 5, after "welfare," strike "comfort,"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment:

On line 8, after "function." strike "The obligations issued under this chapter and the income therefrom shall be free from state and local taxation."

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Hayner and Lee:

On page 24, line 31 add a new section to read as follows:

"NEW SECTION. Sec. 28. This act shall be contingent upon the passage of Substitute Senate Joint Resolution 115 at the 1981 general election. In the event that Substitute Senate Joint Resolution 115 is not submitted to the voters or is rejected by the voters, this act shall be null and void and without force or effect."

Renumber remaining sections consecutively.

Debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, how do you answer the technical problem of using Senate Joint Resolution 115, if it is agreed that a House Joint Resolution on the same subject is the vehicle that is going to be considered by this legislature and that 115 will not be considered?"

Senator Pullen: "Very simple, Senator Goltz. All we have to do is amend it in the House."

The President declared the question before the Senate to be the roll call on the amendment by Senators Pullen, Hayner and Lee.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 30; absent or not voting, 2.

Voting yea: Senators Clarke, Craswell, Deccio, Guess, Hurley, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Woody—17.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Jones, Kiskaddon, McDermott, Moore, Peterson, Ridder, Sellar, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—30.

Absent or not voting: Senators Charnley, Hayner—2.

Senator Pullen moved adoption of the following amendment:

On page 25, line 8, after "be" strike "liberally" and insert "conservatively"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

There being no objection, on motion of Senator Pullen, an amendment striking all of New Section 29, on the desk of the Secretary of the Senate, was withdrawn.

Senator Pullen moved adoption of the following amendment:

Strike all of new section 29.

Strike all of new section 31.

Renumber the remaining sections accordingly.

POINT OF ORDER

Senator Pullen: "Mr. President, Second Substitute Senate Bill 3084 is in violation of rule 25; and I would ask that the act be ruled out of order pursuant to rule 25.

"I realize that that is an unusual point of order to rise to but I am completely serious. Rule 25 says 'No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.'

"I would draw the President's attention to section number 31 of Second Substitute Senate Bill 3084, and section 31 says, 'Insofar as the provisions of this act are inconsistent with the provisions of any general or special law or parts thereof, the provisions of this act shall be controlling.'

"I would submit, Mr. President, that section 31 is amending by mere reference to the title of an act and is in violation of rule 25."

RULING BY THE PRESIDENT

President Cherberg: "Senator Pullen, in reply to your point of order, the President agrees that your point is somewhat out of the ordinary so the President will give you a similar answer.

"The President does not know of any particular statute that this section amends so therefore does not wish to rule the bill as not being properly before the Senate. Senator Pullen."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President, I will give you some provisions of law that it is amending. All of title 34, 35 and 36."

RULING BY THE PRESIDENT

President Cherberg: "Senator Pullen, in reply, you may be correct, but the President is certain that he does not have the prerogative of ruling a bill out of order that has been acted upon by the Senate."

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Your ruling brought up an interesting question. Had Senator Pullen asked for the ruling prior to the time we started action on it, would you have had authority to rule it out then?"

REPLY BY THE PRESIDENT

President Cherberg: "The President would have found some other answer, Senator."

The motion by Senator Pullen failed and the amendment was not adopted.

There being no objection, on motion of Senator Pullen, two amendments regarding low income, on the desk of the Secretary of the Senate, were withdrawn.

The Senate resumed consideration of the following amendment moved for adoption by Senator Deccio earlier today:

On page 10, after line 18, insert the following:

"The commission shall not develop, assist in the development, or otherwise participate in multifamily housing located in any county, city, or town having a single family or multiple family dwelling vacancy rate in excess of four percent at the time of the commission's initial participation."

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Deccio.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hurley, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, von Reichbauer, Wilson, Woody—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Jones, Kiskaddon, McDermott, Moore, Peterson, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wojahn, Zimmerman—25.

Absent or not voting: Senator Hayner—1.

On motion of Senator Scott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Mr. President, I would like to address a question to either Senator Scott or Senator Fleming, whoever feels most comfortable in answering. I notice in section 27 an appropriation from the general fund of \$200,000 is made, and section 27 stipulates that this money shall be paid back in six years, in ten annual installments, and then further in that section it says 'from any moneys in excess of the amount required to keep the commission self-supporting.' And then sub (2) states that further grants of money from the state general fund or property to the commission, may be made as necessary in the future, and I would like to know, for the record, where is the money going to come from to pay this \$200,000 back?"

Senator Fleming: "Mr. President and members of the Senate.

"Senator Woody, as you are well aware, well, I won't say that, the fact is behind this package there will be revenue bonds sold. That is where the funds would come from, from the revenue from those bonds that are sold, that is where the money will be paid back.

"And maybe what might have confused you was a comment that Senator Scott might have made and what Senator Ridder was talking about; this indeed is not the traditional public housing, that is not what this is. This is private housing, this is just a secondary market made available to get housing for these needy and moderate income people that has not been available and will not be available to us if we do not have an agency intact. So it would come from the revenue of the bonds that are sold."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3084, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent or not voting, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Conner, Fleming, Fuller, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Vognild, Williams, Wojahn, Zimmerman—30.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Gallagher, Guess, Hansen, Lysen, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Scott, Shipoch, von Reichbauer, Wilson, Woody—18.

Absent or not voting: Senator Hayner—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3084, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

April 13, 1981.

ENGROSSED HOUSE BILL NO. 22, making it unlawful to sell, give, dispose, or deliver explosives to persons under eighteen (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 10, 1981.

ENGROSSED HOUSE BILL NO. 63, updating provision allowing state credit unions to exercise powers conferred on federal credit unions doing business in state (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1981.

ENGROSSED HOUSE BILL NO. 137, modifying laws on usury (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Bottiger, Lysen, Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1981.

ENGROSSED HOUSE BILL NO. 232, expanding the usury exemption on business loans (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley.

Passed to Committee on Rules for second reading.

HOUSE BILL NO. 244, establishing liability for leaving a restaurant without paying (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 13, 1981.

ENGROSSED HOUSE BILL NO. 341, enacting the Business Opportunity Fraud Act (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

April 13, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 397, revising laws relating to mobile homes (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 515, modifying requirements for the establishment by counties of a full-time office of justice of the peace (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

April 13, 1981.

ENGROSSED HOUSE BILL NO. 660, modifying labor dispute disqualification for unemployment benefits (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Vognild.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 682, extending the statute of limitations for certain crimes of sexual abuse against children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 13, 1981.

ENGROSSED HOUSE BILL NO. 705, prohibiting code city-owned cable systems if a private system is available (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 706, modifying provisions on contraband and detention facilities (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 734, relating to the sale, purchase, or exchange of used mobile homes in conjunction with real estate (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

April 13, 1981.

ENGROSSED HOUSE JOINT MEMORIAL NO. 14, requesting mutually beneficial foreign trade agreements (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 13, 1981.

BURT A. SHEARER, to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor on March 19, 1981 for the term ending December 26, 1983, succeeding himself (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Conner, Guess, Peterson, Talley.

Passed to Committee on Rules for second reading.

April 13, 1981.

CAPTAIN HENRY R. DAMON, to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor on March 19, 1981 for the term ending December 26, 1984, succeeding Captain Bert C. Holmes (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Charnley, Conner, Guess, Peterson, Talley.

Passed to Committee on Rules for second reading.

April 13, 1981.

MELVIN R. STEWART, to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor February 25, 1981 for the term ending December 26, 1984, succeeding himself (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Charnley, Conner, Guess, Hansen, Peterson, Talley.

Passed to Committee on Rules for second reading.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 8:05 p.m.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 7, by Representatives Nelson (G.A.), Stratton, Nelson (D.), Patrick, Wilson, Mitchell, Salatino and Granlund:

Establishing an interim joint committee on illegal drug trafficking.

The resolution was read the second time in full.

There being no objection, on motion of Senator Talmadge, an amendment by Senators Talmadge, Wilson and Gaspard to page 1, line 9 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Bottiger, Fleming, Ridder and Shinpoch was adopted:

On page 1, line 20, after "the" strike "senate majority leader" and insert "president of the senate"

On motion of Senator Hayner, the rules were suspended, House Concurrent Resolution No. 7, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 7, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator McDermott—1.

HOUSE CONCURRENT RESOLUTION NO. 7, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 181, by Representatives Smith and Flanagan:

Authorizing agreements between irrigation districts.

The bill was read the second time by sections.

Senator Newhouse moved the following amendments by Senators Newhouse, Hansen and McCaslin be considered and adopted simultaneously:

On page 1, line 4 strike "80" and insert "03"

On page 1, line 6 beginning with "To" strike all the remaining material and insert "Two or more irrigation districts may create a separate legal authority to carry out any or all of the powers described in RCW 87.03.015. To enable such a legal authority to carry out its delegated powers, the irrigation districts creating the authority may assign, convey, or otherwise transfer to it any or all of their respective property, rights, or obligations, including, without limitation, the power to issue revenue obligations and the power of condemnation. Such a legal authority shall be created and organized by contract in the manner described in chapter 39.34 RCW and shall be a separate legal entity."

POINT OF INQUIRY

Senator Lysen: "Senator Newhouse, I guess I am not familiar with this. What does this really achieve that the water, the existing irrigation district cannot do now? And the root of my concern, if I had to admit it here, is WPPSS. We had PUDs who did very well as PUDs and we allowed them to join together to build a joint facility and it turned out to be a very unfortunate situation.

"So I would like to know, you know sometimes when you push things to the point of breaking, something that is done well, at one level you add another level to it and you get to a point where it doesn't work at all.

"And I have that very same concern; I would like to ask your comments."

Senator Newhouse: "I am not sure that I can completely answer your question, Senator Lysen. The irrigation districts do own these reservoir facilities, the five major reservoirs up in the Cascade mountains. They own them jointly; that is, the Federal government really has title, they have paid for them. But to use the facilities to produce power both for sale and to use power for their own use, that is, in sprinkler irrigation, it would be the extent of their desires and the safeguards, I am

sure that they don't plan and I don't see that they ever could, get into anything as extensive as a PUD, I mean as the PUDs did with the WPPSS project."

Senator Lysen: "I guess my question is, the responsibility is clear when you have an individual irrigation district doing a project; I have no problem with that because of the responsibility and the authority go together. When you merge two or three of them together, it becomes unclear who is responsible and who benefits; and I think that is where my concern lies."

Senator Newhouse: "All right, perhaps I can answer that. Really, the effects of this bill and this amendment would allow the districts to band together under the interlocal cooperation act which cities, counties, all districts can do now. There was some question about irrigation districts because they are quasi-municipal organizations rather than a municipal."

Senator Lysen: "But Senator Newhouse, why couldn't a single district just do it now, on its own? Why does it have to have more than one district involved in this?"

Senator Newhouse: "I believe a single district could, but the ownership of the facility, the canal system, the dam, the reservoirs, are in the several districts and they feel that they should cooperate."

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I recall one time your telling me that you had either 10,000 or 100,000 acres taken away from you by condemnation. You weren't very happy about it."

Senator Hansen: "Five thousand acres."

Senator Rasmussen: "Was it 5,000 acres? Then they made no use of it but they took it away from you. My question would be, this new amendment that we are discussing, your name is on it, ' . . . including, without limitation, the power to issue revenue obligations and . . . ' also ' . . . the power of condemnation.' It all depends now on whether it is a good project or bad project. How do you know it is going to be a good project with its unlimited power of condemnation?"

Senator Hansen: "I think, Senator Rasmussen, we passed Senate Bill 3033 which allowed the irrigation districts to go into low-head hydropower generation. And really what happened, the south district of the Columbia Basin Project got off and running ahead of them, put in applications in the east and in the Quincy district and they sat on their duffs until after the south district got so far ahead, now they are asking to come in and be a part of a good project, being the south district did all the fighting and negotiation and the hours of negotiating to get 3033 passed.

"The Rosa district which has a lesser water right on the Yakima river, is also out hunting power and water for reservoir systems. This allows the Sunnyside, the Yakima-Tieton to come in and help with the bonding and help put these projects in, so they are all better off.

"So I really think it is a must; it is Johnny-come-lately—they weren't there when they were needed, when we passed the original legislation."

POINT OF INQUIRY

Senator Charnley: "Senator Hansen, you have heard my concerns; I would appreciate your reflections on this."

Senator Hansen: "Irrigation districts primarily are for the irrigation purposes. Through this canal system, through their water reservoir system, there are opportunities for low hydro projects and so all they are doing is bonding themselves, selling this electricity to Seattle City Light, Tacoma City Light, to put up the front money to build the projects; and so all we are doing besides using the water for irrigation, we are squeezing what electricity that is in the water before we use it."

Senator Charnley: "So you are saying to me or it is your understanding that the purpose here is for low-head hydro, not to create another form of public entity which will overlap with or confuse or . . . with the PUD, this is strictly for the idea of using the water while it is fastened to their system?"

Senator Hansen: "That is definitely right, because before we got this 3033 put together, we spent hours in the back room with the PUD, the private power, the Bonneville, and all the rest of them coming out with a bill that would be limited to the small hydro projects within the irrigation district, whether it was a reservoir bill in the Cascades where they drop the water out, took the juice out of the water and then used it for irrigation."

The motion by Senator Newhouse carried and the amendments were adopted.

On motion of Senator Newhouse, the following amendment to the title was adopted:

On page 1, line 2 of the title, strike "80" and insert "03"

MOTION

On motion of Senator Ridder, Senator McDermott was excused.

MOTION

Senator Newhouse moved the rules be suspended, House Bill No. 181, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

There being no objection, the motion by Senator Newhouse was withdrawn.

MOTION

On motion of Senator Clarke, House Bill No. 181, as amended by the Senate, was ordered held for further consideration on second reading after the next two measures.

SECOND READING

SENATE BILL NO. 3307, by Senators Talmadge, Hayner, Bottiger, Wojahn, Clarke, Shinpoch, Bauer, Talley, Hughes, Hemstad, Pullen, Newhouse and Zimmerman:

Tightening control of gambling activities.

MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 3307 was substituted for Senate Bill No. 3307 and the substitute bill was placed on second reading and read the second time in full.

Senator Vognild moved adoption of the following amendment by Senators Vognild and Quigg:

On page 3, line 8, following "game" insert "conducted only in the county within which the organization is principally located" and on line 29, following "game." insert "For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the

requirement that such game be conducted in the county in which the organization is principally located."

POINT OF INQUIRY

Senator Goltz: "Senator Vognild, if it is a good idea not to allow these bingo games to be located outside the county where the organization is located, why are we grandfathering, and how many are we grandfathering which would be allowed to exist away from their home base?"

Senator Vognild: "We asked the gambling commission to supply that information. They were unable to supply exactly, they said that there are few games involved. There is one particular game that is operated by a senior citizens' group that is operated, I believe it is in Pierce county and they are based in King county. That is the only one that I am aware of that is presently in that situation.

"There are several other games that I am aware of that are operated outside the county, but those are basically games that will turn over rather rapidly under, what I call a semi-professional operation. They turn over about every six months and these are the games I am interested in stopping."

The motion by Senator Vognild carried and the amendment was adopted.

MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 3307, as amended by Senators Vognild and Quigg, was ordered held for further consideration on April 14, 1981.

On motion of Senator Clarke, Second Substitute House Bill No. 157 will be considered on April 14, 1981.

On motion of Senator Clarke, Substitute House Bill No. 399 will be considered at a later time.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3726, by Committee on Ways and Means (originally sponsored by Senators Scott, Craswell, Gallagher and Gould):

Providing for higher interest rates on delinquent property taxes.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, on moving it up from five years to three years; you are three years delinquent, you must pick up all three years? You cannot just pick up one year? Is that still in the bill?"

Senator Scott: Yes, Senator, as it left committee. You have to pick up your back taxes and get yourself out of arrears. I do not remember that it had anything to do with picking up all three years; you pick up one year . . .

"The same feature as exists now where you pick up one year and you are no longer in . . . delinquency."

Senator Rasmussen: "Well, I did not take time to read the whole bill again, but I understood that you had to pick all of them if you became delinquent, you had to pick up all the taxes in order to get back in good standing, you could not just pick up one year.

"The other question was the floating rates, how anyone would ever know, including all the book work required by the treasurers. You go on, revalued every three months at the floating prime rate so that you become delinquent you would

have three months at one rate, you would have three months at another rate, and another three months at a different rate. So it would be very hard for a person to ever know how much the amount of delinquent taxes that he would have to pay, besides all of the continual book work for the treasurers. Is this correct?"

Senator Scott: "Senator, the rate would be adjusted four times a year; there was no complaint to doing so from any of the assessors, putting it on their books. If you go down now and get a loan for six months, a short term credit, you pay a difference in rate. If you go into the hardware store from one month to the next you pay a difference in rate. Rates have varied 8% back and forth within the last eighteen months.

"If there is not that adjustment to accommodate whatever, it isn't the prime rate but the T-bill rate, if you don't have that stable measure of changes in the money market, then the individual who is outstanding takes advantage, as it were, of the situation. That is why a sticky 8% won't work when the prime is at twenty."

Further debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Scott, partially, I guess, to ask for a response to a question that Senator Rasmussen was partially asking, I believe. His question was, as I understand it, we were shortening the period under which delinquency may occur from five to three years, and then his question was, 'When that three-year period expires, is the total tax due as opposed to simply paying the first of that three-year delinquency' and continuing that three-year delinquency and as I read section 4, that is, in fact, what happens. In other words, when that three-year period expires, all of the tax is due, all three years, not just simply the first of those three. Is that correct?"

Senator Scott: "That is correct. I just reread section 4 too and also in section 4 you see that the notice date is moved up to coincide with the shortening of the period so that the individual does get an 11-month advance notice."

Senator Williams: "Thank you. I just wanted to make sure that we understood, that in fact, once that three-year period does terminate, all of the taxes are due, not simply the first of the three."

POINT OF INQUIRY

Senator Goltz: "Senator Scott, on page 4, on section 4, on line 16, we are talking about the tax statement for 1982 and '83, and I am wondering if that means that this is sunsetted after 1983 or, we are so specific about the tax years, that it appears that it is either sunsetted or there is some provision elsewhere that I have not found."

Senator Scott: "I am sorry I just put my section 4 back in the bookcase here, but my reading and memory is that those amendments that are made in section 4 are to bring back the notice period to a year before the person goes into delinquency, in short, to move it back two years."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 3726.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3726, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Excused: Senator McDermott—1.

SUBSTITUTE SENATE BILL NO. 3726, 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.

There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3698, by Senator Hansen:
Relating to transportation financing.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3698 was substituted for Senate Bill No. 3698 and the substitute bill was placed on second reading and read the second time in full.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 31, strike all of subsection (2).

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3698, together with the pending amendment by Senator Bottiger, was ordered held for further consideration following Engrossed House Bill No. 719.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 222, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Ellis, Becker, Tupper, Padden, Patrick, Granlund, Bickham, Salatino and Tilly):

Adopting the uniform law commission's 1972 amendment to the uniform commercial code.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 222 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 222, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Rasmussen, Ridder, Williams, Wojahn—10.

Excused: Senator McDermott—1.

SUBSTITUTE HOUSE BILL NO. 222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 352, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representative Isaacson):

Revising laws relating to sewer and water districts.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 352, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Gallagher—1.

Excused: Senator McDermott—1.

SUBSTITUTE HOUSE BILL NO. 352, 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.

MOTIONS

On motion of Senator Clarke, Substitute House Bill No. 128 was ordered held for consideration on April 14, 1981.

On motion of Senator Clarke, Substitute House Bill No. 467 was ordered held for distribution of an amendment.

SECOND READING

HOUSE BILL NO. 438, by House Committee on Labor and Economic Development and Representatives Eberle and Patrick:

Requiring contractors to post prevailing wage information at public works job sites.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 438 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 438, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Moore, Williams—2.

Excused: Senator McDermott—1.

HOUSE BILL NO. 438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

April 13, 1981.

Dorothy Greeley
Journal Clerk
Third Floor, Legislative Building
Olympia, WA 98504

Dear Ms. Greeley,

The following is a statement for the Senate Journal:

"I voted against House Bill No. 438 by mistake. I was off the floor at the moment, and did not understand which bill was in front of the body."

Thank you for your attention to this matter.

Signed: Senator Al Williams.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 467, by House Committee on Energy and Utilities (originally sponsored by Representatives Bond, Scott, Barr, Stratton, Fancher, McCormick, Hastings, Clayton, Nickell, Isaacson, Erak, Bender, McGinnis, Leonard, Williams, Eberle, Padden and Ellis):

Providing for expedited review of energy facility siting decisions.

REPORT OF STANDING COMMITTEE

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 467, providing for expedited review of energy facility siting decisions (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, beginning on line 7, strike everything down to and including "possible." on line 22 and insert "The Thurston county superior court shall assign a petition for review of a decision under RCW 80.50.100 for hearing at the earliest possible date and shall expedite such petition in every way possible. If the court finds that review cannot be limited to the administrative record as set forth in subparagraph (a) of this subsection because there are alleged irregularities in the procedure before the council not found in the record, but finds that the standards set forth in subparagraphs (b), (c), and (d) of this subsection are met, the court shall proceed to take testimony and determine such factual issues raised by the alleged irregularities and certify the petition and its determination of such factual issues to the supreme court. Upon certification, the supreme court shall assign the petition for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible."

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Newhouse, Quigg, Wilson.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendment was adopted.

Senator Newhouse moved adoption of the following amendment by Senators Newhouse and Talmadge:

On page 2, strike line 26 through "court." on line 29 and insert:

"A final decision pursuant to RCW 80.50.100 on an application for certification shall be subject to judicial review pursuant to provisions of RCW 34.04 and this section. Petitions for review of such a decision shall be filed in the Thurston county superior court."

POINT OF INQUIRY

Senator Wilson: "Senator Newhouse, is it the decision or the recommendation of the siting council, or the governor's decision, or both, which can be appealed to the courts?"

Senator Newhouse: "It is the final decision by the governor."

Senator Wilson: "Not the council's recommendation?"

The motion by Senator Newhouse carried and the amendment was adopted.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and McDermott:

On page 3, line 33, add a new section as follows:

"NEW SECTION. Sec. 4. The provisions of section 3 shall not apply to applications for certification of energy facilities filed prior to July 15, 1977. Applications for certification of energy facilities filed prior to July 15, 1977 shall continue to be governed by the applicable provisions of law, including RCW 34.04, in effect on July 15, 1977."

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

On motion of Senator Metcalf, the following amendment was adopted:

On page 1, line 19, after the period, strike the balance of the section.

On motion of Senator Lysen, the following amendment was adopted:

On page 2, after line 1, insert:

"The legislature further finds that the council's presentation to federal bodies about the final decision concerning certifications of energy facilities in the state shall encompass only environmental, health and safety aspects of the certification agreements."

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 467, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Lysen, with respect to the amendment you just hung on this bill, would you identify what you mean by the word 'council' since it is not previously identified in the bill."

Senator Lysen: "Yes, Senator Wilson, the 'council' refers to the EFSEC council which is the subject of the bill."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 467, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Conner, Fleming, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talmadge, Vognild, Williams—14.

SUBSTITUTE HOUSE BILL NO. 467, 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 Clarke, the Senate resumed consideration of Substitute Senate Bill No. 3307.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3307, by Committee on Commerce and Labor (originally sponsored by Senators Talmadge, Hayner, Bottiger, Wojahn, Clarke, Shipoch, Bauer, Talley, Hughes, Hemstad, Pullen, Newhouse and Zimmerman (by Gambling Commission request):

Tightening control of gambling activities.

The Senate resumed consideration of Substitute Senate Bill No. 3307 from earlier today. An amendment by Senators Vognild and Quigg was adopted at that time.

Senator McDermott moved adoption of the following amendment:

On page 19, line 36, following "commission." insert new sections to read:

"Sec. 3. Section 4, chapter 218, Laws of 1973 1st ex. sess. as last amended by Section 12, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050(2) provided.

In addition to the members of the commission there shall be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; such appointments shall be for the term of two years or for the

period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.14.120, the same to be paid from the "gambling ((revolving fund)) commission account" as being expenses relative to commission business.

Sec. 4. Section 6, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.060 are each amended to read as follows:

(1) The attorney general shall be general counsel for the state gambling commission and shall assign such assistants as may be necessary in carrying out the purposes and provisions of this chapter, which shall include instituting and prosecuting any actions and proceedings necessary thereto.

(2) The state auditor shall audit the books, records, and affairs of the commission annually. The commission shall pay to the state treasurer for the credit of the state auditor such funds as may be necessary to defray the costs of such audits. The commission may provide for additional audits by certified public accountants. All such audits shall be public records of the state.

The payment for legal services and audits as authorized in this section shall be paid upon authorization of the commission from moneys in the gambling ((revolving fund)) commission account."

Renumber remaining sections consecutively.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

On motion of Senator Talmadge, the following amendments were considered and adopted simultaneously:

On page 28, line 10, following "activity" add "or physical harm to individuals"

On page 42, line 28, following "activity" insert: "or physical harm to individuals"

Senator Quigg moved adoption of the following amendment by Senators Quigg and Vognild:

Beginning on page 20, following section 2, strike the remainder of the act and insert the following:

"Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 76, Laws of 1977 ex. sess. and section 3, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070 are each reenacted and amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which

any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

((7)) (8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

((8)) (9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

((9)) (10) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

((10)) (11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by RCW 9.46.030, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

((11)) (12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.020 (20)(d) as now or hereafter amended;

((12)) (13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

((13)) (14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

((14)) (15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

((15)) (16) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but

not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

~~((16))~~ (17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

~~((17))~~ (18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

~~((18))~~ (19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

~~((19))~~ (20) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 12, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.075 are each amended to read as follows:

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;

(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, document or item required by law or commission rule;

(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal;

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

(11) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this chapter or to the proper operation of the authorized gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license the gambling commission may consider any prior criminal conduct of the applicant or licensee and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

Sec. 5. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

The commission, when suspending any license for a period of thirty days or less, may further provide in the order of suspension that such suspension shall be vacated upon payment to the commission of a monetary penalty in an amount then fixed by the commission.

Sec. 6. Section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.080 are each amended to read as follows:

The commission shall employ a full time director, who shall be the administrator for the commission in carrying out its powers and duties and who shall issue rules and regulations adopted by the commission governing the activities authorized hereunder and shall supervise commission employees in carrying out the purposes and provisions of this chapter. In addition, the director shall employ a deputy director, two assistant directors, together with such investigators and enforcement officers and such staff as the commission determines is necessary to carry out the purposes and provisions of this chapter. The director, the deputy director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any commission employee working therefor shall be an officer or manager of any bona fide charitable or bona fide nonprofit organization, or of any organization which conducts gambling activity in this state.

The director, subject to the approval of the commission, is authorized to enter into agreements on behalf of the commission for mutual assistance and services,

based upon actual costs, with any state or federal agency or with any city, town, or county, and such state or local agency is authorized to enter into such an agreement with the commission. If a needed service is not available from another agency of state government within a reasonable time, the director may obtain that service from private industry.

Sec. 7. Section 9, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 75, Laws of 1977 and RCW 9.46.090 are each amended to read as follows:

The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter as soon as possible after the close of the fiscal year, which report shall be a public document and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 (~~shall~~) may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and (~~shall~~) may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

~~((The commission shall conduct a thorough study of the effectiveness of the criminal sections of the act, and penalties imposed thereby, and shall make a separate report to the legislature on or before January 1, 1977, outlining its findings and any recommendation for specific amendments to these sections it may have.))~~

Sec. 8. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 198, Laws of 1977 ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud

for the purposes of this chapter; and (4) when any person shall win over ((five)) twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: **AND PROVIDED FURTHER**, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: **PROVIDED FURTHER**, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3), which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed five percent of the gross revenue from such games.

Sec. 9. Section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.115 are each amended to read as follows:

(1) (a) In addition to any other fee~~((s and taxes))~~ or tax imposed by or under the authority of this chapter, ~~((or by commission rule,))~~ there is hereby imposed a special tax to be paid by ~~((every))~~ any person who maintains for use or permits the use of ~~((, on any place or premises occupied by him))~~ a coin-operated ~~((gaming))~~ gambling device ~~((which is subject to the federal tax on coin-operated devices imposed by section 4461 of the Internal Revenue Code (79 Stat. 148, 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto. The amount of such tax shall be equal to eighty percent of the amount of the tax required to be paid to the federal government pursuant to section 4461 of the Internal Revenue Code (79 Stat. 148, 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto: PROVIDED, That such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the Internal Revenue Code (85 Stat. 534, 26 U.S.C. Sec. 4464), as amended and in effect on March 11, 1976 and any subsequent amendments thereto:~~

This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the Internal Revenue Code (79 Stat. 149, 26 U.S.C. Sec. 4462), as amended and in effect on March 11, 1976 and any amendments thereto:

(2)) on any place or premises occupied by the person. The tax shall be three hundred fifty dollars per year for each tax year, July 1 through June 30, thereafter. The tax shall apply to each device so maintained or permitted at any time during the tax period. After July 1, 1981, the tax shall not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for use. The commission shall adopt a schedule prorated by month, setting out the tax due for the remainder of the tax year, for devices initially put out for use after the beginning of the tax year. No such device may be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That if one such device is replaced by another and removed from play, the other device shall not be considered an additional device for that year.

(b) This tax shall not be imposed on a device which is commonly known as a claw, crane, or digger machine if:

(i) The charge for each operation of the device is not more than twenty-five cents;

(ii) The device never dispenses a prize other than merchandise of a maximum retail value of one dollar, and with respect to the device there is never a display or offer of any prize or merchandise other than merchandise dispensed by the machine;

(iii) The device is actuated by a crank and operates solely by means of a nonelectrical mechanism; and

(iv) The device is not operated other than in connection with and as a part of an agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or a civic center of a county, city, or town; or a world's fair or similar exposition which is approved by the bureau of international expositions at Paris, France; or a community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held.

(2)(a) For purposes of this section, "coin-operated gambling device" means a machine which is:

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application, in whole or in part, of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(ii) A machine which is similar to machines described in subparagraph (i) of this subsection and is operated without the insertion of a coin, token, or similar object.

(b) The term "coin-operated gambling device" does not include:

(i) A bona fide vending or amusement machine in which no gambling feature is incorporated; or

(ii) A vending machine operated by means of the insertion of a coin of not more than ten cents which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than twenty-five cents, and if the only prize dispensed is merchandise and not cash or tokens; or

(iii) Any device which is employed in such manner as to qualify as an amusement game as defined in RCW 9.46.020 and the rules and regulations of the commission.

(3) The tax established in subsection (1) of this section shall be payable to the commission on or before June 20 of each year in advance of the following ((fiscal)) tax year, July 1 through June 30, pursuant to rules and regulations adopted by the commission. Payment of any tax due shall be a condition precedent to the issuance or renewal of any license of any nature by the commission to the taxpayer. ((The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year.)) Proceeds from the tax shall be deposited in the gambling revolving fund and used by the commission for its expenses of administering this chapter.

The commission shall adopt rules setting out the procedure for collection of the tax and for the administration of this section.

((3)) (4) The tax imposed by subsection (1) of this section shall be in addition to any tax imposed upon such coin-operated ((gaming)) gambling devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

((4)) (5) At any time within five years after any amount of tax which is imposed under this chapter, or rules adopted pursuant thereto, shall become due and payable, the attorney general, on behalf of the commission, may bring a civil action in the courts of this state, or any other state, or of the United States, to collect the

amount delinquent, together with penalties and interest. An action may be brought whether or not the person owing the amount is at such time a licensee under this chapter. If such an action is brought in the courts of this state, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereof shall be required. In all actions in this state, the records of the commission shall be prima facie evidence of the determination of the tax due or the amount of the delinquency.

(6) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 10. Section 13, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.130 are each amended to read as follows:

The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under (~~RCW 9.46.030~~) this chapter and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations or local ordinances adopted pursuant thereto. A reasonable time for the purpose of this section shall be: (1) If the items or records to be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or (2) if the items or records to be inspected or audited are not located upon a premises set out in subsection (1) above, then any time between the hours of 8:00 a.m. and 9:00 p.m., Monday through Friday.

The commission shall be provided at such reasonable intervals as the commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto.

Sec. 11. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the commission, to enforce

the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

Sec. 12. Section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in RCW 9.46.020(10), as now or hereafter amended, are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW 9.46.020(10), as now or hereafter amended, shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items ~~((utilized in activities enumerated in))~~ which are actually being used by, or being held for use by, a person licensed by the commission or who is otherwise authorized by RCW 9.46.030, as now or hereafter amended, or by commission rule to conduct gambling activities without a license in connection with gambling activities authorized by this section when:

(a) The person is acting in conformance with the provisions of chapter 9.46 RCW, as now or hereafter amended, and the rules and regulations adopted pursuant thereto; and

(b) The items are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: **PROVIDED, HOWEVER,** That this subsection shall not apply to ((devices used in those activities enumerated in RCW 9.46.030, as now or hereafter amended, when the devices are of the type and kind traditionally and usually employed in connection with the particular activity)) persons licensed by the commission, or who are otherwise authorized by RCW 9.46.030, as now or hereafter amended, or by commission rule, to conduct gambling activities without a license, respecting devices which are to be used, or are being used, solely in that activity for which the license was issued, or for which the person has been otherwise authorized when:

(a) The person is acting in conformance with the provisions of chapter 9.46 RCW, as now or hereafter amended, and the rules and regulations adopted pursuant thereto; and

(b) The devices are a type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts by such persons in furtherance of ((such activities)) the activity for which the license was issued, or for which the person is authorized, when such activity is conducted in compliance with the provisions of this chapter, as now or hereafter amended, and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: **PROVIDED, HOWEVER,** That this subsection shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended, when the records are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

Sec. 13. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person shall manufacture, and no person shall sell, distribute, furnish or supply to any other person, any gambling device, including but not limited to punchboards and pull tabs, in this state, or for use within this state, without first obtaining a license to do so from the commission under the provisions of this chapter.

Such licenses shall not be issued by the commission except respecting devices which are designed and permitted for use in connection with activities authorized under this chapter: **PROVIDED,** That this requirement for licensure shall apply only insofar as the commission has adopted, or may adopt, rules implementing it as to particular categories of gambling devices and related equipment.

Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted;

(2) All applicants and licensees shall consent to inspections, searches and seizures and the supplying of handwriting examples as authorized by this chapter and rules adopted hereunder;

(3) All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the commission shall have a duty to inform the commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information;

(4) All applicants, licensees, persons who are operators or directors thereof and persons who otherwise have a substantial interest therein shall have the continuing duty to provide any assistance or information required by the commission and to investigations conducted by the commission. If, upon issuance of a formal request to answer or produce information, evidence or testimony, any applicant, licensee or officer or director thereof or person with a substantial interest therein, refuses to comply, the applicant or licensee may be denied or revoked by the commission;

(5) All applicants and licensees shall waive any and all liability as to the state of Washington, its agencies, employees and agents for any damages resulting from any disclosure or publication in any manner, other than a wilfully unlawful disclosure or publication, of any information acquired by the commission during its licensing or other investigations or inquiries or hearings;

(6) Each applicant or licensee may be photographed for investigative and identification purposes in accordance with rules of the commission;

(7) An application to receive a license under this chapter or rules adopted pursuant thereto constitutes a request for determination of the applicant's and those person's with an interest in the applicant, general character, integrity and ability to engage or participate in, or be associated with, gambling or related activities impacting this state. Any written or oral statement made in the course of an official investigation, proceeding or process of the commission by any member, employee or agent thereof or by any witness, testifying under oath, which is relevant to the investigation, proceeding or process, is absolutely privileged and shall not impose any liability for slander, libel or defamation, or constitute any grounds for recovery in any civil action.

Sec. 15. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No applicant or licensee shall give or provide, or offer to give or provide, directly or indirectly, to any public official or employee or agent of this state, or any of its agencies or political subdivisions, any compensation or reward, or share of the money or property paid or received through gambling activities, in consideration for obtaining any license, authorization, permission or privilege to participate in any gaming operations except as authorized by this chapter or rules adopted pursuant thereto. Violation of this section shall be a felony for which a person, upon conviction, shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

Sec. 16. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

At any time within five years after any amount of fees, interest, penalties, or tax which is imposed pursuant to this chapter, or rules adopted pursuant thereto, shall become due and payable, the attorney general, on behalf of the commission, may bring a civil action in the courts of this state, or any other state, or of the United States, to collect the amount delinquent, together with penalties and interest: PROVIDED, That where the tax is one imposed by a county, city or town under RCW 9.46.110, any such action shall be brought by that county, city or town on its own behalf. An action may be brought whether or not the person owing the amount is at such time a licensee pursuant to the provisions of this chapter.

If such an action is brought in the courts of this state, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereof shall be required. In all actions in this state, the records of the commission, or the appropriate county, city or town, shall be prima facie evidence of the determination of the tax due or the amount of the delinquency.

Sec. 17. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the commission or any member thereof for anything done or omitted to be done in or arising out of the performance of his or her duties under this title: PROVIDED, That an appeal from a contested case of a final decision of the commission to deny, suspend or revoke a license shall be governed by chapter 34.04 RCW.

Neither the commission nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done, or omitted to be done, by the commission or any member of the commission, or any employee of the commission, in the performance of his or her duties and in the administration of this title.

Sec. 18. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No applicant for a license from, nor licensee of, the commission, nor any operator of any gambling activity, shall, without advance approval of the commission, knowingly permit any person to participate in the management or operation of any activity for which a license from the commission is required or which is otherwise authorized by this chapter if that person:

(1) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude; or

(2) Has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by this chapter, and any amendments thereto, or any rules adopted by the commission pursuant thereto, or has permitted, aided, abetted, caused, or conspired with another to cause, any person to violate any of the provisions of this chapter or rules of the commission.

NEW SECTION. Sec. 19. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following amendments to the amendment by Senators Quigg and Vognild were considered and adopted simultaneously:

On page 11, line 11, after "activity" insert "or physical harm to individuals"

On page 39, line 2, after "activity" insert "or physical harm to individuals"

There being no objection, on motion of Senator McDermott an amendment to the amendment by Senators Quigg and Vognild to page 17, following line 24 on the desk of the Secretary of the Senate was withdrawn.

The motion by Senator Quigg carried and the amendment, as amended was adopted.

On motion of Senator Quigg, the following amendments by Senators Vognild and Quigg to the title was adopted:

On page 1, line 1 of the title after "gambling;" strike the remainder of the title and insert: "reenacting and amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 165, Laws of 1977 ex. sess. and by section 2, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.030; reenacting and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 76, Laws of 1977 ex. sess. and by section 3, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070; amending section 12, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.075; amending section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.080; amending section 9, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 75, Laws of 1977 and RCW 9.46.090; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 198, Laws of 1977 ex. sess. and RCW 9.46.110; amending section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.115; amending section 13, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.130; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.230; creating new sections; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; providing penalties; and declaring an emergency."

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute Senate Bill No. 3307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, I was interested, there was a long amendment adopted and on page 21, it indicates 'For the purpose of this section, coin operated gambling devices means a machine which is so-called slot machine which operates by means of coin, token or similar object and also pays off in cash.'

"Is this legalizing slot machines then, in the state of Washington?"

Senator Quigg: "Senator Rasmussen, that provision applies to what is commonly known as a 'pull-tab' machine where you insert a coin and a ticket or card is ejected and the player then determines the, based on the contents, of that card whether or not there would be any prize or cash won."

Senator Rasmussen: "It is not the intent, then, to legalize slot machines in Washington?"

Senator Quigg: "That is correct."

POINT OF INQUIRY

Senator Metcalf: "Senator Quigg, I appreciated your comments relative to the circumscription of the gambling element but would you say, as a general rule, that this bill tightens on gambling for a charitable institution? Does it tighten it up or does it loosen it? That is the key factor."

Senator Quigg: "Senator Metcalf, this tightens it up; this makes it much more difficult for a charitable organization to qualify for a license to conduct gambling activities in the state of Washington. It sets out provisions requiring them to be in operation for at least a year, to be making progress toward the accomplishment of that charitable organization's goal. It says they must have at least fifteen members and it describes and sets out what membership is so it is not some kind of a sham organization, but it really in fact has to be a charitable organization with a substantial membership making successful progress toward its goal and be an established one.

"So the charitable organization of convenience for the purpose of gambling is certainly discouraged with this legislation."

Senator Metcalf: "One further question then; this is relative to the organization, but what about the things the organization can do? Is there any change relative to what they can do relative to the minor gamblings they are involved in?"

Senator Quigg: "The commission has increased enforcement powers through this bill, Senator Metcalf, so it is not tightening down, in some cases it tightens down the location as the Vognild amendment would be tightening down the location where bingo games could be played but generally it provides more enforcement power for the commission to enforce the rules that we presently have and it, as far as the games are concerned, but it substantially extends their powers and relates to the kinds of people that are putting these games on. It is not very often the games that get people in trouble, it is usually people that get people in trouble.

"I think that this bill is directed in that way and I think for that reason it deserves a 'yes' vote."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I do not object to the answers being more than three minutes, but the questions should not be more than three minutes."

POINT OF INQUIRY

Senator Goltz: "Senator Quigg, you said that an organization had to be working toward and having some reasonable chance of succeeding with its goals. Will the Democratic party be able to gamble in the future under this . . .?"

Senator Quigg: "Which one, Senator?"

Senator Goltz: "The one that is striving and reaching toward its goal."

Senator Quigg: "Well, I guess it would depend on whether or not they had any bona fide members."

POINT OF INQUIRY

Senator Pullen: "Senator Quigg, I think you have to forgive the suspicion of some of the members here, but you do represent one of the most pro-gambling legislative districts in the entire state, and I am not sure that you fully answered the question of Senator Metcalf. His concern was not so much the tightening down on nonprofit organizations but the expansion of gambling as allowed by certain devices in the bill, such as the so-called 'slot machines' which is the terminology used in the bill, and 'coin operated gambling devices.'

"I believe a cursory reading would indicate that we may be allowing some devices that are not currently allowed and if that is not the case, then why are we changing the terminology of these gambling devices?"

Senator Quigg: "Senator Pullen, as you will recall in the . . . House Bill 1410, the governor vetoed that bill because she felt that it was ambiguous as to whether or not it would be setting up the state for the possible operation of the classical slot

machine, and this bill was drafted to address exactly that concern and the concern you are expressing. This bill was drafted to eliminate the slot machine as a possibility for a play here in the state of Washington that was, I think, pretty clear before, that it wasn't supposed to be used here but this makes it just that much clearer. This bill does not allow the one-armed bandit to begin working over the citizens of the state of Washington."

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, since this bill purportedly does not expand gambling, does it take a 60% constitutional majority to pass?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes it does, Senator."

FURTHER PARLIAMENTARY INQUIRY

Senator Pullen: "Well, why is that, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "Because it's a gambling bill, Senator Pullen."

FURTHER PARLIAMENTARY INQUIRY

Senator Pullen: "The Constitution, as I recall the wording, does not specify a 60% majority for all gambling bills, simply for bills that would increase gambling or establish gambling. This does neither, it simply tightens down on existing gambling."

REPLY BY THE PRESIDENT

President Cherberg: "It is still a gambling bill in the mind of the President, Senator Pullen."

Senator Pullen: "To pursue this, because it is potentially very important to some bills we may have in the future, if we were to repeal the gambling laws that are now on the books, would that require 60% majority?"

President Cherberg: "Yes, Senator Pullen."

Senator Pullen: "In other words, in your view, the so-called protection that was put into the Constitution. . ."

President Cherberg: "The gambling bill, Senator, will require 60%."

Senator Pullen: ". . . and even to repeal gambling laws that are now on the books will take a 60% . . ."

President Cherberg: "The question is not before the body, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3307, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—40.

Voting nay: Senators Conner, Gould, McDermott, Pullen, Rasmussen, Ridder, Shinpoch, Williams, Wilson—9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3307, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3698, by Committee on Transportation (originally sponsored by Senator Hansen):

Relating to transportation financing.

The Senate resumed consideration of Substitute Senate Bill No. 3698 from earlier today. An amendment by Senator Bottiger, had been moved for adoption, striking all of subsection (2).

There being no objection, the amendment by Senator Bottiger was withdrawn.

Senator Bottiger moved the following amendments be considered and adopted simultaneously and the rules were suspended to allow Senator Bottiger nine minutes to explain them:

On page 6, line 17, insert: "Motor Vehicle Fund Appropriation—State . . . \$5,000,000"

On page 6, line 23 strike "\$145,350,900" and insert "\$150,350,000"

On page 10, line 23 strike "\$64,660,000" and insert "\$127,110,000"

On page 10, line 26 strike "\$201,920,000" and insert "\$264,370,000"

On page 10, line 30 after "47.05.030." insert "It is the intent of the legislature that to the extent federal funds are available, state matching funds shall be expended for transit benefit projects."

On page 11, line 14 after "act." insert "The state appropriation includes \$34,450,000 from the proceeds of the sale of general obligation bonds for financing the Category B construction program. It is the intent of the legislature that to the extent federal funds are available, state matching funds shall be expended for transit benefit projects."

On page 11, line 17 strike "\$10,937,000" and insert "\$50,937,000"

On page 11, line 19 strike "\$10,940,000" and insert "\$50,940,000"

On page 11, line 23 after "47.05.030." insert "The appropriation includes \$40,000,000 from the proceeds of the sale of general obligation bonds for financing the Category C construction program."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Mr. President, fellow members. I would like to address a question to either Senator Bottiger or Senator von Reichbauer or both.

"I am wondering if we have \$31,000,000 additionally going into ferry subsidies, how is that money going to be spent? And how much money this state is currently spending on the ferry system? What does that \$31,000,000 represent in terms of a percentage increase in this category?"

Senator Guess: "I will answer, Senator Woody.

"Senator Woody, the \$31,000,000 is not going to be spent on the ferries. It will either be, according to the committee work, we'll either put \$5,000,000 or \$5.8 million or \$8.3 million in there. And that is the part that has not been decided on by the committee and it seems to me that we have, Senator Bottiger is being very precipitous here, because this afternoon in committee, we had four pieces, or four bills; we had a white one and a yellow one and a blue one and a pink one. And we will make up our mind when we can get all the people together as to what the level of funding will be for the ferries, yet we do not know.

"We also do not know exactly the division of the remainder of that which is not going to go to the state patrol.

"So, and it depends, too, on the ferries, the fare that the ferry riders will pay, depends upon whether or not the gas tax goes. If the gas tax goes, the variable gas tax goes, there is an additional \$7,000,000 that will go in there from their share of the gas tax increase. But if that \$7,000,000 does not go in there, Senator Woody, then it is going to mean that they are going to have to pay a higher fare.

"We are trying to work that out and I think that this, these amendments are totally precipitous and they do damage to the process that we are going through.

"One of the things he says in here, 'It is the intent of the legislature to the extent Federal funds are available, state matching funds shall be expended for transit benefit projects.'

"Well, Senator, evidently Senator wants to do some additional talking . . . in the Tacoma area. I do not think that normally you would read this bill, you would think that this is going to solve the problem out on the highways. It is not supposed to be for, the program they have now for park-and-ride lots is pretty well thought out, has been worked out over a number of years; but this would put more money in there.

"This, the problem that we have in the state, is getting the matching funds for the shuttle funds and we have done, to the very best of ability, we have provided enough matching funds for the Federal funds that we know are coming. Those, of course, that we don't know, you cannot tell about that."

POINT OF INQUIRY

Senator Ridder: "Senator Guess, Senator Wilson had a comment earlier this evening, and you mentioned the phrase 'precipitous,' Senator; and frankly, without all the pieces of the puzzle, those of us who are not on transportation, find this extremely confusing.

"Would it not be possible to have all the bills before us at one time so that we might judge them on their value as a portion of the whole, because it is our understanding that one bill allocates a substantial amount of money, two-thirds to the ferries and one-third otherwise?"

Senator Guess: "Senator Ridder, I think that what we are going through is what we have been through in history. I can remember Senator Washington having this desk right here and I remember how disgusted Senator Henry was when he was presiding that Senator Washington would be allocated a whole day to pass the omnibus bill. Now, in those days, you did have all the bills before you, but frankly, nobody read it because it was impossible to read, and I think, to follow, unless you had been to the hundreds of hours of hearings that we have had in the committee.

"And so what we tried to do, and under Senator Bottiger's direction, we started this thing off to have the budget in the pieces that made up the whole. Now there is one more that you can read in your book and the other two haven't come out of committee."

Senator Ridder: "Well, I would just like to say, that from the sound of it, obviously you have spent a great deal of time on this; but we are talking about a great deal of money and it really makes a difference to some of us if we are going to be voting to double the fee that is now charged for motor vehicles, we have already decided that lots of people in our economy cannot stand additional taxes and yet certainly, anyone who has any kind of a vehicle is going to be subject to that. We are going to be talking about a potential gas tax which, like it or not, is a general tax increase, about as general as you can get in our lifestyle; and we would like to have those pieces before us. I think a full day on transportation matters would be very well in order."

Senator Guess: "Mr. President."

President Cherberg: "Senator Guess, you have spoken one time."

Senator Guess: "I was going to answer her question — she left it up in the air."

"This will only appropriate the money out of the twelve-cent gas tax, nothing more, nothing less."

Further debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator von Reichbauer, I want to compliment you on bringing out a 'no-tax increase' budget for the transportation department. I think this is the first time that I have seen this, and how was that possible that you were able to come out here on the floor with a no-tax increase budget?"

Senator von Reichbauer: (No reply.)

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Talmadge moved adoption of the following amendment:

On page 7, after line 32, insert:

"(8) After the effective date of this act, no moneys may be expended by the department in any substantial expansion of the Fauntleroy ferry terminal in Seattle as it existed on January 1, 1981."

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Talmadge, is it your understanding that in this substantial expansion project, there would be parking lots on the Fauntleroy side where people could leave sort of disreputable cars to be used instead of paying the high freight of taking cars back and forth on the ferry from the various areas, that they would leave one on either side and then would drive in to Seattle in the car that was on the Fauntleroy side, which obviously, would be parked outside all of the time and would probably be less than a fancy car. Would this expansion include that, to your knowledge?"

Senator Talmadge: "In response to your question, Senator Wojahn, the monies that are contemplated in the budget do not provide for the purchase, to my understanding, of new parking facilities, although the Washington state department of transportation has considered the possibility of taking the parking that exists for Lincoln park in West Seattle, which I think is the second most used park in the city of Seattle for ferry parking. The particular problem that we have is people leave their cars on the Seattle side, people from Vashon and people from Southworth, and in response to that particular problem the city council in the city of Seattle is contemplating a residential parking zone where people actually have to have a sticker on their car to indicate that they come from that neighborhood, because the congestion on these very narrow and very small streets, in a geographical cul-de-sac is so great that people can't even park in front of their own homes, and sometimes come

home to find that a car from Vashon and a car from Southworth is parked in their driveway."

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Vognild moved adoption of the following amendment by Senators Vognild, Gould, Bottiger, Woody and von Reichbauer:

On page 14, line 29, insert the following:

"NEW SECTION. Sec. 26. The legislature recognizes the economic importance to the state of attracting new environmentally suitable high-technology industrial development, and that the availability of transportation services is a significant factor in locating such industries. In furtherance of the provisions and objectives of HCR 17, passed by the 1981 regular session of the legislature, the transportation commission and department of transportation shall, therefore, lend their cooperation, and allocate so much of the funds provided by sections 18 through 20 of this act as are reasonably necessary, to fund the state's fair share of the improvements contemplated by HCR 17."

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Metcalf, in King county we have really destroyed the Green River valley of which you may be aware. How would this, explain to me how your planning commission process appears to be subverted here in the whole process. How did this happen that the planning commissioners resigned and were overruled by a single company coming into your county?"

Senator Metcalf: "Senator Lysen, the conclusions as you look through them on the three-page report of Snohomish county planning commission, are very clear. To say more than sufficient area to meet the anticipated needs of planning area is presently designated industrial in the comprehensive plan. That is a finding. There is plenty of land.

"And the second one on page 1, the proposed amendment is not in conformance with the comprehensive plan . . . and so forth.

"In other words, the comprehensive plans of counties have been developed to basically set the goals and the guidelines, and this came in and specifically overruled the comprehensive, came in and the comprehensive plan was supported by the planning commission and this was turned down. Then, following that, the members, as I say, five of the nine are now gone, they have been replaced, they came back in with another plan and as Senator Gould says local government has prevailed. But it has been, I wish I could have brought you the findings of fact from that group, because they just do not add up. This is specifically a violation of the comprehensive plan, and the comprehensive plan has been changed to accommodate this.

Senator Lysen: "Senator Metcalf, would it have been possible for Hewlett-Packard to come in to your county in compliance with the comprehensive plan and build their plant and do this, create these jobs which we all want?"

Senator Metcalf: "Yes, as I say, there is sufficient area, there are other areas they could have come into, they chose this particular one."

Senator Lysen: "What was the reason for that? The economic reason?"

Senator Metcalf: "I am not sure what the reason was that they felt that they needed this one instead of other areas that were already zoned industrial. I am not sure."

Senator Lysen: "Are we using agricultural land here for the plant, or what . . . ?"

Senator Metcalf: "This is sort of a side hill, it is not really prime agricultural land. It was zoned residential before."

REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, I can attempt to answer part of Senator Lysen's concerns. This was quite an issue of controversy in Snohomish county when we were going through the planning process and I was not deeply involved in it because I was involved in a reelection campaign at the time."

"But I do know that one of the problems with the other industrial sites that had been set out in this area were problems with adequate water and problems with adequate sewer facilities. This property that was selected has the facilities, utilities and energy availability that is necessary for this kind of installation. And that is why this site was selected and the argument was strongly made that the other sites which, by this comprehensive plan were originally established for industrial development, did not have the necessary utilities available and that was an integral part of the decision which allowed Hewlett-Packard to eventually locate at this site rather than the other originally planned industrial development site in this area."

Senator Patterson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Vognild and others.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Deccio, Fleming, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Moore, Newhouse, Peterson, Quigg, Rasmussen, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Woody—31.

Voting nay: Senators Bluechel, Clarke, Craswell, Fuller, Gallagher, Goltz, Hughes, Hurley, McDermott, Metcalf, Patterson, Pullen, Ridder, Scott, Shinpoch, Williams, Wilson, Zimmerman—18.

POINT OF ORDER

Senator Talmadge: "The cutoff resolution, Mr. President, provides that, commencing at 5 p.m. on Thursday, April 2, 1981, the eighty-first day of the session except for omnibus appropriation (commonly known as the budget or supplemental budget) revenue and redistricting bills in the House will consider only Senate bills, memorials and so on and so forth.

"Mr. President, my point is that the bill before us is a Senate bill, not a House bill. It is not an omnibus appropriations bill because, should it be an omnibus

appropriations bill, rule 58 provides that, "Omnibus appropriation bills shall be considered in committee of the whole senate, . . ." We considered the budget, the general fund budget in the committee of the whole Senate. This, obviously, is not an omnibus appropriations bill because we are not in the committee of the whole and I think it is beyond the cutoff date."

REMARKS BY SENATOR CLARKE

Senator Clarke: "The fact that we did not go into the committee of the whole is not in any way determinative because there was no objection or suggestion that we should. The question before the President is simply whether or not this is or is not a general appropriation bill."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, to only slightly correct the remarks of Senator Clarke, it is not a question of whether or not this is an appropriations bill, but whether or not it is THE omnibus appropriations bill."

PARLIAMENTARY INQUIRY

Senator Goltz: "If I understand the question before us, the point of order before us, if this is an omnibus appropriations bill that Senator Clarke I think, said it may very well be, then the next question would be whether or not this bill would require a two-thirds vote."

RULING BY THE PRESIDENT

President Cherberg: "In reply to Senator Talmadge's point of order, the President believes that the transportation budget is one of several bills that are considered supplemental budgets.

"Your point of order, Senator Talmadge, in regard to the committee of the whole is well taken, but untimely."

Engrossed Substitute Senate Bill No. 3698 was passed to the Committee on Rules for third reading.

MOTION

On motion of Senator Clarke, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE RESOLUTION

HOUSE CONCURRENT RESOLUTION NO. 23, by Representative Nelson (G.):

Extending certain cutoff dates for the 47th legislature.

On motion of Senator Clarke, the rules were suspended and House Concurrent Resolution No. 23 was advanced to second reading and read the second time in full.

MOTION

At 11:25 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, April 14, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 14, 1981.

The Senate was called to order at 10:30 a.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 11:05 a.m.

The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Jodi Ulery and Ron Peterson, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 520, implementing the law relating to community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Scott.

Passed to Committee on Rules for second reading.

April 13, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 628, requiring parental consent for the release of youth from residential schools (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 732, transferring lands owned at Rainier School to Washington State University for use as a dairy/forage research facility (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Ridder.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 13, 1981.

CLAIRE THOMAS, to the position of Member of the Board of Trustees for Bellevue Community College, District No. 8, appointed by the Governor March 10, 1981 for the term ending September 30, 1983, succeeding Dr. Samuel E. Kelly (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Patterson.

Passed to Committee on Rules.

April 13, 1981.

KATHLEEN WAREHAM, to the position of Member of the Council for Postsecondary Education, appointed by the Governor March 19, 1981 for a term coextensive with her tenure as a student and not exceeding three years, succeeding Douglas R. Scott, Jr. (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Scott.

Passed to Committee on Rules.

April 13, 1981.

I. CHARLES LeCOCQ, to the position of Member of the State Board for Community College Education, appointed by the Governor March 23, 1981 for the term ending April 3, 1984, succeeding Stephen L. Chase (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Scott.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 13, 1981.

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:

Jon G. Thorpe, appointed April 8, 1981 for a term ending July 1, 1985, succeeding John Larsen as a member of the Commission for Vocational Education.

Sincerely,

JOHN SPELLMAN

Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 13, 1981.

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:

David P. Thomas, appointed April 8, 1981 for a term ending January 1, 1985, succeeding Cliff A. Barlament as a member of the Forest Practices Appeals Board.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, April 13, 1981.

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:

Ms. Phyllis M. Kenney, appointed April 8, 1981, for a term ending October 7, 1983, succeeding Ernest I. J. Aguilar as a member of the State Jail Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 23, by Representative Nelson (G.):

Extending certain cut-off dates for 47th legislature.

The Senate resumed consideration of House Concurrent Resolution No. 23 from April 13, 1981.

Senator Bottiger moved adoption of the following amendment:

On page 2, lines 1, 4 and 11, after "budget)." insert "and" and after "revenue" strike ", and redistricting"

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Metcalf, you mentioned that redistricting would not come up in the final moments of the legislature. I think that, counting this day, we have thirteen; can you tell me at what point it is not in the final moments?"

Senator Metcalf: "Well, I said that the dark of the night of the last day. I would certainly hope we can do it before that."

Senator Ridder: "You mean the afternoon of the last day?"

Senator Metcalf: "We are moving on it just as soon as we can, Senator Ridder."

Further debate ensued.

Senators Jones, Hayner and Guess demanded the previous question.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand was sustained by the following vote: Yeas, 25; nays, 22; absent or not voting, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Absent or not voting: Senators Hughes, Lysen—2.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Hughes—1.

HOUSE CONCURRENT RESOLUTION NO. 23 was returned to the Committee on Rules for third reading.

MOTIONS

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

Senator Clarke moved that the Committee on Rules be relieved of Engrossed Substitute Senate Bill No. 3698 and the bill be placed on the third reading calendar for today.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Committee on Rules be relieved of Engrossed Substitute Senate Bill No. 3698 and the bill be placed on the third reading calendar for today.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

There being no objection, the Senate returned to the seventh order of business.

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 3698.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3698, by Committee on Transportation (originally sponsored by Senator Hansen):
Relating to transportation financing.

REQUEST FOR RECESS

Senator Bottiger: "I have had a request from several of our members for a caucus on this budget. They did not expect it to come up on third reading today in this manner without a rules committee or anything, so if we could, we would like to have a recess for about thirty minutes for a caucus."

Senator Jones: "I regret it, but I think the bill was thoroughly discussed last evening. You are all well aware of what's in that measure. It was a, talked at great length; we even gave you an extension of time and gave you a 9-minute span. And if you intend to go, we intend to proceed."

POINT OF INQUIRY

Senator Wilson: "Do I understand, Senator Jones, that you are unwilling to give the minority an opportunity to caucus on one of the major transportation bills of the session?"

Senator Hayner: "It seems to me, Senator Wilson, that we have been inordinately considerate. I have been sitting in our caucus, they have been saying for a long time, 'Let's ask for the previous question, let's make it a matter of consideration or whatever and cut it off,' because we do have a deadline and we have a plan to meet that deadline.

"Now we have tried to comply, in every way we could, with reasonable amendments, discussion, and so forth. We did not put the 3-minute rule on until yesterday.

"I think that anyone who is observing this operation could see very clearly that we have tried very hard to comply with your legitimate requests. I do not consider this a legitimate request at this time. I think you have had every opportunity to caucus for an hour this morning, an hour yesterday morning, and I cannot believe that you are not prepared to take this vote now."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, in the spirit of cooperation which you talked to both sides of the aisle about last week, I think it is important to note that if the other side of the aisle felt as though the spirit of cooperation were to continue, we were in rules committee meeting until eleven o'clock last night, I mean twelve o'clock this morning, twelve a.m. And if they had planned on bringing this bill out in this manner, the old subject of talking to each other before and after would go a long way. They could have indicated to us at that point in time that they would make this move rather than go back to the rules committee and pull a bill out.

"Some of our members, when we discussed this matter unfortunately were not there and they have asked that we get a chance to talk about this measure before it came back on the floor.

"So I am going to once again appeal to the other side that we have at least fifteen minutes to talk about this issue.

"No consideration? There will be a Democratic caucus immediately."

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3698.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3698, and the bill passed the Senate by the following vote: Yeas, 26; nays, 1; absent or not voting, 22.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Zimmerman—26.

Voting nay: Senator Moore—1.

Absent or not voting: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3698, 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.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Shinpoch served notice that he

would, on the next working day, move for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 3698 passed the Senate.

MOTIONS

On motion of Senator Clarke, the Senate returned to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 181.

SECOND READING

HOUSE BILL NO. 181, by Representatives Smith and Flanagan:
Authorizing agreements between irrigation districts.

The Senate resumed consideration of House Bill No. 181. On April 13, 1981, an amendment by Senators Newhouse, Hansen and McCaslin was adopted. A title amendment was also adopted at that time.

Senator Lysen moved adoption of the following amendment:

On page 1, line 15, after "effect" insert ": PROVIDED, That no entity so established may issue revenue bonds in excess of \$500 million (one-half billion)"

Debate ensued.

Senator Lysen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—28.

Absent or not voting: Senator Conner—1.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 181, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Newhouse, would the bonds issued under this law

pledge the entire revenue generating ability of the member irrigation districts, in the same manner as the WPPSS 'hell-or-high water' revenue bonds pledge the entire revenue generating ability of the individual utilities which make up WPPSS? My concern is, if one of the worthy hydroelectric projects to be financed under this act were washed away in a flood, like the Teton dam, would the bondholders then be able to come back to the irrigation districts that are involved in the joint agency which issued the bonds, and make them pay off the bonds from their other irrigation facilities, thereby driving up irrigation rates, and possibly bankrupting the farmers in the process?"

Senator Newhouse: "The answer, for the record, Senator Lysen, is 'no' according to the information I have. It is the intent of this bill that revenue bonds issued by a separate legal entity established by this bill would be satisfied only from revenues derived from the project for which the bonds were issued. Neither the member irrigation districts, nor the landowners in the districts would be obligated to make payments on the bonds from revenues derived from any other source. This is required under RCW 87.28.030 and .040."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 181, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Fleming, Hurley, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams—8.

HOUSE BILL NO. 181, 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 Clarke, the Senate commenced consideration of Second Substitute House Bill No. 157.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 157, by House Committee on Local Government (originally sponsored by Representatives Addison, O'Brien, Sanders, Erak, Dickie, Isaacson, Johnson, McGinnis, Leonard, Bond and Taylor):

Requiring local governments and state agencies to pay interest on delinquent contract payments.

REPORT OF STANDING COMMITTEE

April 1, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 157, requiring local governments and state agencies to pay interest on delinquent contract payments (reported by Committee on Commerce and Labor):

Recommendation: Do pass with the following amendment:

Page 2, following line 13, add a new subsection (7) to read as follows:

"(7) Payment from any retirement system listed in RCW 41.50.030 and chapter 41.24 RCW."

Signed by: Senators Quigg, Chairman; Hurley, Jones, Newhouse, Sellar, Vognild, Williams.

The bill was read the second time by sections.

On motion of Senator Quigg, the committee amendment was adopted.

Senator McDermott moved adoption of the following amendment:

On page 2, line 9, after "failures," insert "cash flow emergency declared by the governor."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, I am not opposed to this bill, but I have a question and I have asked two people, 'How much do warrants fare, what rate of interest would we have if we were on state warrants?' I have gotten different answers to that question; Senator Scott, do you know what . . . ?"

Senator Scott: "Senator, I have not had a quote on that lately and I cannot help you. I think what we had better do is ask Bob O'Brien, post haste, if it is critical to your . . ."

Senator Bottiger: "It would be because if we are in a position where one debtor gets 12%, 1% per month, and somebody else gets less, then that would, I think, create a flaw in the bill."

The motion by Senator McDermott failed and the amendment was not adopted.

On motion of Senator Quigg, the rules were suspended, Second Substitute Bill No. 157, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Shinpoch: "Senator Quigg, I notice in section 1 that it applies to every agency of state government and that is fine. And units of local government. And my question is, has anyone checked how this impacts or initiative 62 impacts this? It seems to me if there is no problem in local government, well then, local government should not be included. If there is a problem in local government that they are delaying, then we are imposing an additional expenditure on local government, and it was my understanding that under initiative 62, if we did that, we, the state, had to pay for it. Have you checked that out?"

Senator Quigg: "Senator, I have not got an analysis of initiative 62 implications; however, I have a rather thorough analysis of the next layer of tax, really the taxpayers that are affected by this, and theirs is that there is a substantial burden borne by the people who are subjected to an extended wait for receipt of payments due them by governmental agencies because the agencies decide, for whatever reason, not to pay them and I am not talking about delaying of payments over a dispute or whatever, it is just because it is in the computer."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Senator Shinpoch, it appears to me that they are obligations that the state has already created for itself. We are not imposing any additional ones on them, nor are we saying they have to pick up any services or anything that they are not picking up. They are obligations that they have incurred. We are just saying, 'Pay your bills.' I cannot see how that would affect initiative 62 in any way."

REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Well the obligation, Senator Hayner, that what we are imposing upon local government is an interest, to pay the interest at 1% per month over and above what Senator Quigg is indicating that they are doing now, that they are not paying, and if I understand initiative 62, in section 6 of initiative 62, in the manner in which that is imposed, that we, very simply, at this time, for that 1% per month, if there are units of local government there now which are traditionally running 60 to 90 days to pay their bills, and we have tacked on a 1% per month, that we have simply now, under the manner in which 62 is written in section 6, that we have now picked up all of the interest charges of local government if we pass this bill."

REMARKS BY SENATOR CRASWELL

Senator Craswell: "Thank you, Mr. President, members of the Senate.

"Speaking in regard to that last question, I also had that question on my mind, I didn't have a chance to talk directly to any of the assistant attorney generals but sent a message and it came back without explanation. I might say that it would not be affected by initiative 62."

POINT OF INQUIRY

Senator McDermott: "Senator Quigg, the question is, once this bill goes into effect, it does not have an emergency clause so it will be sometime in the summer, can Harborview hospital thereafter expect to have their bills paid by the state within 30 days?"

Senator Quigg: "Senator McDermott, in answer to your question, I believe inter-governmental payments are not covered by this. Payments between governmental agencies are not covered by this, this has to do with payments between the government and nongovernmental agencies."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 157, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke,

Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—43.

Voting nay: Senators Fleming, Hughes, Hurley, Lysen, McDermott, Shinpoch—6.

SECOND SUBSTITUTE HOUSE BILL NO. 157, 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

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate commended consideration of Substitute House Bill No. 128.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 128, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Brown, Winsley, Becker, Tupper, Salatino, Patrick, Chandler, McGinnis, Owen, Stratton, Granlund, Grimm, Erickson, Wang, Hine, Galloway, Taylor, Wilson, Walk, Pruitt, Garrett, Brekke and Clayton):

Enacting a bill of rights for victims and witnesses of crime.

REPORT OF STANDING COMMITTEE

April 7, 1981.

HOUSE BILL NO. 128, enacting a bill of rights for victims and witnesses of (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 16, insert new sections as follows:

"Sec. 5. Section 3, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.030 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law

enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer may exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(5) The law enforcement agency shall forward the offense report to the appropriate prosecutor ~~((as soon as practicable,))~~ within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(6) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(7) Records kept pursuant to subsections (3) and (6) of this section shall be made identifiable by means of a departmental code for domestic violence.

Sec. 6. Section 4, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: **PROVIDED**, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. Wilful violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ~~((9A))~~ 10.99 RCW ~~((and is also subject to civil contempt proceedings))~~. A certified copy of such order shall be provided to the victim.

NEW SECTION. Sec. 7. There is added to chapter 10.99 RCW a new section to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest; or

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The decision of the judge and findings of fact in support thereof shall be in writing.

Appearances required pursuant to this section are mandatory and cannot be waived.

NEW SECTION. Sec. 8. There is added to chapter 10.99 RCW a new section to read as follows:

Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim."

On page 3, after line 16, insert a new section as follows:

"NEW SECTION. Sec. 9. There is added to chapter 70.125 RCW a new section to read as follows:

Records maintained by rape crisis centers shall not be made available to any defense attorney as part of discovery in a sexual assault case unless:

(1) A written pretrial motion is made by the defendant to the court stating that the defendant is requesting discovery of the rape crisis center's records;

(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why the defendant is requesting discovery of the rape crisis center's records;

(3) The court reviews the rape crisis center's records in camera to determine whether the rape crisis center's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records to the defendant; and

(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings."

On page 1, line 2 of the title, after "witnesses;" strike "and" and insert "amending section 3, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.030; amending section 4, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.040;"

On page 1, line 2, after "RCW" insert "adding new sections to chapter 10.99 RCW; and adding a new section to chapter 70.125 RCW"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were adopted.

Senator Gaspard moved adoption of the following amendments by Senators Gaspard, Pullen, Lee and Talmadge:

On page 3, after line 16, following the committee amendment, insert the following:

"NEW SECTION. Sec. 10. The focus of the criminal justice system is offense-oriented which involves the apprehension, incarceration, adjudication, and sentencing of those who violate the law. Victims and witnesses of crime are the silent partners in the process. They continue to cooperate with the system although it represents the likely possibility of continued trauma, financial inconvenience, time lost from work, child care costs, the long-term holding of personal property used as evidence, and restitution ordered by the court but not recovered. Even in light of these realities, there is an inherent belief in the system.

Victims and witnesses are further frustrated by the complexity of the criminal justice process, very limited understanding of that process, and the resulting inability to successfully obtain basic case update information from an already overburdened system. County-wide victim and witness programs work to lessen the difficulties of being a victim or witness by providing a link into the criminal justice system. This link creates a more informed public, reassured that they as taxpaying citizens are involved in a criminal justice system that represents them, the people of the state of Washington.

NEW SECTION. Sec. 11. (1) Upon a person pleading guilty to or being convicted of a crime against another person or property in the state, in addition to any other fine or penalty, the court shall levy an assessment of twenty-four dollars for each felony and twelve dollars for each misdemeanor or gross misdemeanor.

(2) When any full deposit of bail is made by a person who is not in custody and who is charged with a misdemeanor or gross misdemeanor, the person making the deposit shall also deposit a sufficient amount to include the assessment required by this section. A person upon whom an assessment has been levied is entitled to a refund of the assessment if the person is acquitted or the charges are withdrawn.

(3) The assessment imposed under this section shall be divided in the following manner:

(a) One-half shall be deposited in the crime victim compensation fund and shall be allocated to the payment of claims made under chapter 7.68 RCW;

(b) One-half shall be deposited in the county victims assistance fund hereby created in the state treasury. Moneys deposited in the fund shall be administered by the department of labor and industries for allocation exclusively to comprehensive county programs for crime victims and witnesses.

NEW SECTION. Sec. 12. (1) The department of labor and industries shall establish fiscal guidelines for the distribution of moneys designated in section 6 of this act for use by the prosecuting attorney or the prosecuting attorney's designee to provide comprehensive services to victims and witnesses of all types of crimes. The Washington victim/witness coordinating council shall provide consultation and assistance to prosecuting attorneys or their designees in designing and implementing programs pursuant to this chapter.

(2) It is the intent of the legislature that funds distributed under this section to comprehensive county programs shall be supplementary to established funding by local governments and that this local funding shall not be supplanted.

(3) Funds distributed under this section shall be made available to those public agencies for the assistance of victims and witnesses which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime;

(b) Are administered by the county prosecuting attorney;

(c) Assist victims in the restitution and adjudication process; and

(d) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under chapter 7.68 RCW.

NEW SECTION. Sec. 13. Moneys held by the county clerk which have been paid by defendants for restitution to victims of crime shall be returned to the local county program for victims and witnesses if the victim cannot be located. These moneys shall be used to assist other victims of crime and shall not revert to the general fund.

NEW SECTION. Sec. 14. Sections 5 through 8 of this act shall constitute a new chapter in Title 7 RCW."

Debate ensued.

The motion by Senator Gaspard carried and the amendment was adopted.

On motion of Senator Hemstad, the committee amendments to the title were adopted.

On motion of Senator Gaspard, the following amendments by Senators Gaspard and Pullen to the title were adopted:

In line 2 of the title, after "witnesses;" strike "and adding a new chapter" and insert "adding new chapters"

In line 2 of the title, after "RCW" and before the period, insert ";

On motion of Senator Hemstad, the following amendment to the title was adopted:

On page 1, line 1 of the title, strike "a bill of rights for"

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 128, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 128, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE HOUSE BILL NO. 128, 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.

SECOND READING

HOUSE BILL NO. 664, by Representatives Leonard, Berleen and McGinnis: Modifying requirements for annexation petitions.

REPORT OF STANDING COMMITTEE

April 9, 1981.

HOUSE BILL NO. 664, modifying requirements for annexation petitions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "value" strike "of taxable property," and insert "(,)"

On page 1, line 21, after "PROVIDED, That," insert "in cities and towns with populations greater than 175,000 located east of the Cascade mountains,"

Strike all of section 2 and renumber the remaining section consecutively.

In line 4 of the title, after "RCW 35.13.130;" strike all material down through "sess." on line 6.

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, Wilson.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the committee amendment to page 1, line 19 was adopted.

Senator Zimmerman moved adoption of the committee amendment to page 1, line 21.

Senator Guess moved adoption of the following amendment to the committee amendment:

On page 1, line 21 of the committee amendment, strike "175,000" and insert "160,000"

Debate ensued.

The motion by Senator Guess carried and the amendment to the committee amendment was adopted.

The motion by Senator Zimmerman carried and the committee amendment, as amended, was adopted.

On motion of Senator Zimmerman, the committee amendment striking all of section 2 was adopted.

On motion of Senator Pullen, the following amendment was adopted:

On page 3, after line 25, add a new section as follows:

"NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section accordingly.

On motion of Senator Zimmerman, the committee amendment to the title was adopted.

On motion of Senator Zimmerman, the rules were suspended, House Bill No. 664, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Senator Lee, does the philosophy that you have expressed there apply also in King county?"

Senator Lee: "The fact that a person . . ."

Senator McDermott: ". . . that the people ought to be able to vote?"

Senator Lee: "Well, there has to be one of two ways, either that the people who live there petition, or they vote. That's the two means that are provided by law and I agree that those two means should continue to prevail. I do not care which city it is."

Senator McDermott: "We have dealt with that, thank you . . ."

Senator Lee: ". . . and that will be coming up."

Senator McDermott: "That next issue will shortly be before us, and we will argue it again."

Senator Lee: "That is correct."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 664, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—40.

Voting nay: Senators Bottiger, Charnley, Fleming, Lysen, McDermott, Shinpoch, Talmadge, Williams, Wojahn—9.

HOUSE BILL NO. 664, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 66, by Representatives Warnke, Grimm, Walk, Garrett, North, Eberle and Patrick:

Transferring the Auburn game farm to the parks and recreation commission.

The bill was read the second time by sections.

On motion of Senator Fuller, the rules were suspended, Engrossed House Bill No. 66 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Gaspard, you mention that this is one of the new parks that will be built and built from the urban concept and that you are going to be bringing the park in where people from the urban cities will be able to be served by these parks. I am just wondering, does the bus line run to this park and if it does, I would like to know what the number of that bus is in case some of us folks like to come out there."

Senator Gaspard: "I believe, because of the fine Metro system up in King county, that there is a bus that runs by and I will supply you with the bus schedule. It really is convenient."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, recognizing the urgency in Senator Fleming's question regarding the transportation to the Auburn game farm, Senator Ridder had immediately placed a call to Metro, and Senator Fleming, if you would take bus 150, you would be able to get there."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 66, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45

Voting nay: Senators Craswell, McCaslin, Metcalf—3.

Absent or not voting: Senator Lysen—1.

ENGROSSED HOUSE BILL NO. 66, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Ellis and Ehlers):

Creating an office of administrative hearings.

REPORT OF STANDING COMMITTEE

April 9, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, creating a state office of administrative hearings (reported by Judiciary Committee):

Recommendation: Do pass with the following amendments:

On page 5, line 14, strike ".120" and insert ".110"

On page 23, line 15, strike all of section 26 and renumber the remaining sections consecutively

On page 28, line 31, strike all of section 28 and renumber the remaining sections consecutively

On page 33, line 19, strike all of section 32 and renumber the remaining sections consecutively

On page 47, line 26, strike "39" and insert "37"

On page 1, line 26, of the title after "19.09.265;" strike all the material down to and including "RCW 28A.58.455;" on line 28

On page 2, line 1, after "RCW 28B.10.120;" strike all the material down to and including "RCW 43.27A.200;" on line 2

On page 2, line 4, after "46.12.330;" strike all the material down to and including "RCW 46.20.329;" on line 6

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoeh, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were adopted.

On motion of Senator Hemstad, the committee amendments to the title were considered and adopted simultaneously.

On motion of Senator Hemstad, the rules were suspended, Engrossed Substitute House Bill No. 101, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, although the title of these officers is changed to 'administrative law judge' from 'hearing examiner,' it does not mean that they would be included in the judicial retirement system?"

Senator Hemstad: "That is correct. These officers will be part of the executive branch."

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, you are creating a whole new judicial system in effect, below the superior court. These administrative law judges, their rulings have the force and effect of law, yet they are not elected, they are appointed. You are starting out with a small appropriation, \$120,000. What do you anticipate that this balloon into the next 6 to 10 years? How many administrative law judges do you figure, obviously \$120,000, you won't have very many.

"But in the future, what do you anticipate that this new department will be in employees?"

Senator Hemstad: "Senator Rasmussen, in answer to your question, the \$120,000 appropriation is for the startup costs for the appointment of the necessary centralized activity of the chief administrative law judge. There will be transferred into this unit or agency, all of those administrative officers currently serving in state government and that total is approximately 90. In other words, these are functions that are currently being carried out by most of the agencies of state government now. I suspect the structure will be operated on a revolving fund basis, comparable to the way services of the attorney general are now provided or of the state auditor, paid for by the agency as they make use of this resource. Therefore, at least in terms of current operations, it would simply awash with the cost reflecting what are the current level costs of the operation of state agencies."

Senator Rasmussen: "One further question, Senator Hemstad. This bill also provides for the licensing of administrative law judges? How are they to be chosen? At the present time, hearings examiners are picked by the department. Now, after this is in operation, how will these administrative law judges be appointed, and by whom?"

Senator Hemstad: "They will be appointed by the chief administrative law judge. They may be removed for cause. They, themselves, will not be included within civil service, and they will have the right of appeal if terminated, to the superior court in Thurston county to review the basis for their termination."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 101, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators McDermott, Moore, Rasmussen, Wilson—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, 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 Clarke, Senate Bill No. 3357 and Engrossed House Bill No. 114 will be held for consideration on April 15, 1981.

SECOND READING

ENGROSSED HOUSE BILL NO. 719, by House Committee on Education and Representative Taylor:

Providing for a citizens' study commission on school finance.

REPORT OF STANDING COMMITTEE

April 7, 1981.

ENGROSSED HOUSE BILL NO. 719, providing for a citizens' study commission on school finance (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature has reason to believe there seemingly exists in the Washington state educational structure at present a lack of coordination between institutions, a weak response to the progressive academic and vocational needs of students, an unclear statement as to roles and missions, an inconsistency between programs, duplications of effort, and inefficient uses of public dollars. The possibilities for improving this structure require comprehensive examination.

The current structure has evolved into several separate and distinct educational components: The kindergarten through grade twelve system, the community college system, the four year colleges and universities system, the vocational technical institute system, and educational instruction within other state institutions; outside of the state systems, but of much importance, are the private and proprietary schools.

Accountability in education should be equally applicable to all levels of instruction. The assessments of student achievement, what constitutes good instruction, and the responsibilities of management, should be public knowledge and publicly controlled in all segments of education funded by state taxes. The needs of the student, the product of the educational system, are paramount.

Therefore, it is the intent of this act to investigate thoroughly the entire educational complex in Washington state.

A review of the educational complex is merited so that the legislative and administrative branches of government and the public may consider these and other issues: Coordination, needs of students and response to those needs; the role and missions of the components, educational diversity and independence; obstacles to orderly student progression; open access; efficiency; duplication; accreditation; graduation and entrance requirements from high school to postsecondary; efficient uses of public dollars; ways to improve the system possibly through managerial reorganization or combining of components; accountability of the various levels; student achievement; and a determination of what constitutes good instruction.

NEW SECTION. Sec. 2. There is hereby created the Temporary Committee on Educational Policies, Structure and Management which shall consist of nine citizen members, appointed by the governor, one member from each political party of the house of representatives, appointed by the speaker of the house, and one member from each political party of the senate, appointed by the president of the senate.

The temporary committee shall undertake a general review of Washington education, its strengths and areas needed for improvement, and make a report on its findings to the governor, the legislature and the citizens of the state.

In addition to the examination of those questions raised in section 1 of this act, this review shall include:

- (1) An emphasis on the educational progression of the student;
- (2) An examination of the current educational components with particular attention directed to their interrelationships, obstacles to student mobility and progression, and how the system or its components might be improved;
- (3) Examination of the educational goals of the components and a determination of their intended interrelationships;
- (4) Determination of the extent of duplication of educational services in both the vocational and academic areas, the extent to which such duplication may be unwarranted, and proposed corrections; and
- (5) Consideration of the nature and extent of any benefits, including those pertaining to student access, progression, and learning, improved information, and cost reduction, as well as any disadvantages, that might accrue from structural reorganization in Washington education.

The committee shall submit its report not later than January 15, 1983, and it shall cease its existence not later than June 30, 1983.

NEW SECTION. Sec. 3. The Temporary Committee on Educational Policies, Structure and Management may accept and expend funds in accordance with chapter 43.88 RCW from private sources and grants from public agencies for the purposes of fulfilling its duties: **PROVIDED**, That the acceptance and expenditure of such funds first must be approved by the governor.

The committee may establish advisory committees and task forces, as it may deem necessary, to assist it in the fulfillment of its duties.

The educational institutions, delivery systems, and support systems of the state shall fully cooperate with the committee in its investigations and deliberations.

The committee may employ such staff or consultants that it may deem necessary to fulfill its duties.

NEW SECTION. Sec. 4. There is hereby appropriated for the biennium ending June 30, 1983, the sum of one hundred thousand dollars, or so much thereof as may be necessary, from the state general fund, to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. The appropriation contained in this section is subject to the following conditions and limitations:

(1) That the general fund state funds provided shall be matched by local or private funds on a one to one basis.

(2) That upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On line 1 of the title after "to the" strike "Citizens Study Commission on School Finance" and before ";" and insert "Temporary Committee on Educational Policies, Structure and Management"

On line 4 of the title after "commission" and before "." insert "; and making an appropriation"

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

The bill was read the second time by sections.

Senator Kiskaddon moved adoption of the committee amendment.

On motion of Senator Kiskaddon, the following amendments by Senators Kiskaddon, Bauer, Haley and Lee to the committee amendment were considered and adopted simultaneously:

On page 3, line 4, strike "nine" and insert "thirteen"

On page 3, line 5, after "governor," and before "one" insert "each of whom shall apply for membership and demonstrate his or her concern and interest in the education of all children,"

On page 4, after line 12 add a new subsection to read as follows:

"(6) Consideration of the state's responsibility to make ample provisions for K-12 education including alternative methods of funding staff costs, alternative approaches to levy limitation, incentive approaches to encouraging effective, responsible decision-making at the local level and the optimum use of the ideas and talents of teachers, administrators and citizens."

On page 4, line 13, beginning with "The" strike everything through "1983." on line 17 and insert:

"The committee shall be constituted and ready to hire staff and begin work by August 1, 1981. Draft recommendations shall be proposed by August 1, 1982, and after extensive state-wide public discussion of those recommendations, final recommendations for appropriate action shall be completed and presented to the governor by December 1, 1982. Members of the committee shall present those recommendations to the legislature, to the appropriate state agencies and to the public as soon as

possible after the 1983 legislature convenes, and the committee shall cease to function by the end of the 1983 legislative session."

Senator Guess moved adoption of the following amendment to the committee amendment:

Amend the amendment to page 1, line 21, on the second line as follows: Strike "175,000" and insert "160,000"

Debate ensued.

The motion by Senator Guess failed and the amendment to the committee amendment was not adopted.

On motion of Senator Guess, the following amendment, as amended by Senator Haley with no objection, to the committee amendment was adopted:

On page 4, following line 12, insert:

"(6) In regard to postsecondary education, the committee shall take into consideration its activities with the policy and planning studies of the council for post-secondary education and shall utilize to the extent possible the data and findings of such council studies."

The motion by Senator Kiskaddon carried and the committee amendment, as amended, was adopted.

On motion of Senator Kiskaddon, the committee amendments to the title were adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed House Bill No. 719, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 719, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Pullen—1.

ENGROSSED HOUSE BILL NO. 719, 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 Clarke, Engrossed House Bill No. 597 was ordered held for consideration on April 15, 1981.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 67, by House Committee on Natural Resources and Environmental Affairs (originally sponsored by Representatives Thompson, Rosbach, Williams, Chamberlain and Vander Stoep):

Permitting department of natural resources to preserve access to Toutle and Cowlitz rivers.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 67, permitting department of natural resources to preserve access to Toutle and Cowlitz rivers (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 13, strike all of section 2 and insert the following: "**NEW SECTION.** Sec. 2. There is added to Chapter 79.01 RCW a new section to read as follows:

(1) The department of natural resources shall grant leases for a ten-year period, easements, permits, agreements or other arrangements to the abutting property owner, at the discretion of, and upon application by, the property owner, to any publicly owned tidelands, shorelands and beds of navigable waters on the Toutle, Cowlitz and Coweman rivers now having the character of uplands due to the deposition of materials, resulting from the volcanic eruptions of Mt. St. Helens during and after May 1980, or due to federal dredging activity subsequent to the eruptions.

(2) Any authorization granted under subsection (1) of this section shall include the following provisions:

(a) The authorization shall only be for the purpose of rights of access to the navigable portion of the said rivers or for the movement and disposition of materials deposited on the subject land by the eruption of Mt. St. Helens or any federal dredging activity subsequent to the eruption;

(b) The property shall be available for further deposition of materials resulting from continued federal dredging of said rivers and activities associated with dredging to include, but not exclusively, bank stabilization, dikes, and transport roads;

(c) No permanent structures may be erected on the property by the lessee or grantee unless agreed to by the department;

(d) No assignment or other transfers of rights granted under the authorization shall be made except to subsequent owners of the abutting property unless agreed to by the department;

(e) The public shall not be prevented from travelling along any publicly owned aquatic lands now having the character of uplands;

(f) Deposited materials may be rearranged or disposed of provided that such activity does not adversely affect river bank stability;

(g) No vegetation or perennial crops, except grass, may be planted, unless agreed to by the department;

(h) Due to the restrictions imposed herein, the consideration on any authorization shall be one dollar per year; and

(i) A one-time administrative fee of ten dollars shall be charged for all authorizations.

NEW SECTION. Sec. 3. The department of natural resources shall report and make recommendations, as necessary, on the amounts of publicly owned aquatic lands ultimately impacted by the deposit of materials.

NEW SECTION. Sec. 4. Nothing in this 1981 act shall create a cause of action against the state of Washington for the granting or failure to grant such permits, licenses, agreements, or other arrangements as provided for in this 1981 act."

On page 1, line 8, after "Toutle" strike "and" and insert a comma

On page 1, line 8, after "Cowlitz" insert "and Coweman"

On page 1, line 1 of the title, after "Toutle" strike "and" and insert a comma

On page 1, line 1 of the title, after "Cowlitz" insert "and Coweman"

Signed by: Senators Fuller, Chairman; Bluechel, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Quigg, Williams.

The bill was read the second time by sections.

On motion of Senator Fuller, the committee amendment to page 1, beginning on line 13 was adopted.

Senator Fuller moved the committee amendments to page 1, both on line 8 be considered and adopted simultaneously.

POINT OF INQUIRY

Senator Talley: "Senator Fuller, under this bill we have stated that any land on the Toutle and the Cowlitz and the Cowemen affected by this mudflow comes under this legislation. Is that correct?"

Senator Fuller: "That is correct, yes."

The motion by Senator Fuller carried and the committee amendments to page 1, line 8 were adopted.

On motion of Senator Fuller, the committee amendments to the title were adopted.

On motion of Senator Fuller, the rules were suspended, Substitute House Bill No. 67, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 67, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE HOUSE BILL NO. 67, 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.

MOTIONS

On motion of Senator Clarke, Substitute House Bill No. 302 will be considered following House Bill No. 681.

On motion of Senator Clarke, Substitute House Bill No. 264 was ordered placed at the end of today's second reading calendar.

SECOND READING

HOUSE BILL NO. 625, by Representatives Barr, Fancher, Tilly, Hankins and Isaacson:

Modifying provisions relating to superior court judges.

REPORT OF STANDING COMMITTEE

April 7, 1981.

HOUSE BILL NO. 625, modifying provisions relating to superior court judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 11 after "authority" strike everything down to and including "act" on line 15 and insert "documents its approval of the additional positions and its agreement that it and the other counties comprising the judicial district will pay out of county funds, without reimbursement from the state, the same portion of expenses of such additional judicial positions which the judicial district as a whole provides for positions existing prior to the date of this act. The amount of funds to be paid by each county is to be determined among the counties comprising each judicial district"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Newhouse, Woody.

The bill was read the second time by sections.

On motion of Senator Hayner, the committee amendment was adopted.

On motion of Senator Hayner, the rules were suspended, House Bill No. 625, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 625, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Moore, Pullen—2.

HOUSE BILL NO. 625, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 364, by Representatives Vander Stoep, Bender, Dickie, Galloway, Burns, Nisbet, Barnes, Tupper, Heck, Teutsch, Ellis, Granlund and Wang:

Establishing a Washington state scholars program.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed House Bill No. 364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 364, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED HOUSE BILL NO. 364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 681, by House Committee on Labor and Economic Development and Representatives Patrick, Sanders, Barrett, Hankins and Scott:

Implementing law relating to electrical installations with reference to medical devices and equipment.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 681 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 681, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Haley—1.

HOUSE BILL NO. 681, 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 Clarke, Substitute House Bill No. 302 was ordered held for consideration on April 15, 1981.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 176, by House Committee on State Government (originally sponsored by Representatives Nelson (G.), King (R.), McGinnis, Greengo, Ehlers, Erickson, Walk, Addison and Hine):

Providing for competitive selection of architects and engineers on public construction projects.

REPORT OF STANDING COMMITTEE

April 7, 1981.

SUBSTITUTE HOUSE BILL NO. 176, providing for competitive selection of architects and engineers on public construction projects (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 9, after "project." insert "Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved."

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Rasmussen, Sellar.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the committee amendment.

Debate ensued.

The motion by Senator Metcalf carried and the committee amendment was adopted.

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 176, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Gould: "Mr. President, I wonder if Senator Williams would yield to a question?"

"Senator Williams, I remember back some time ago when I was on the school board and we had an engineering firm on retainer, as many public agencies do. Would we still be able to hire any engineering firm we wanted? We had one that knew the district better than anybody ever had. Would we now, if I were still there, have to go out and go through the process that you have stated? Or would we be able to stick with the one we had always had?"

Senator Williams: "I think it depends on the kind of work you are talking about. If a school district or some other agency has an engineer or architect on retainer to do a continuing series of projects, this is a practice that goes on quite often. And what is negotiated initially, then, with that particular consultant firm, is what the scope of that work is going to be and what the retainer is going to be for that. Now many firms, many agencies, the Seattle engineering department and others, do this, particularly for small work that comes up periodically and they need design or help in doing that. However, I personally would frown on an agency doing this if, in fact, a brand new school is coming up or let's say a new courthouse, or something like that. I think these are projects of such a size that they really should be advertised so that there is more open competition for that, rather than somebody having a cozy arrangement with a particular agency or school district or whatever.

"But in a kind of a routine sort of work where a consultant is needed on an ongoing basis, the bill does allow, as long as the agency, you know, initially, goes through the negotiation process for that firm, then an agency can do that."

Senator Gould: "If I may ask just one more question to clarify. Can you write into that original scope of work or into the description, job description, or whatever qualifications, that you want somebody who has considerable knowledge of the city, town, school district or the area. I think in terms of engineering in particular, not in architecture, but as an engineer, think a knowledge of the area is invaluable and can save the district a considerable amount of money, particularly if they have had experience doing work for them before."

Senator Williams: "Well, yes, I think, the bill does not purport to make a judgment for the particular agency or school district or whatever, as to who is best qualified. It simply says that that agency shall go through a process for determining who is the best qualified; and whatever criteria they may select then, to determine who is the most qualified, is for them to determine."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Guess, I was always under the impression on construction jobs, the architect got a certain percentage of the contract to supervise and see that they were following the designs."

Senator Guess: "Senator Talley, a number of years ago there was an action at the national level by the Federal government, that said that the fixing of a fee, and this is the 10% which was normal, was an illegality and that if anybody that engaged in proposing to do work for that fixed fee, then was subject to the sanctions of the Federal government"

"They had to go away from that. It had been the standard practice for many, many years that work was done, normally, for instance, I can remember when I first came to Spokane, doing repair work on buildings, the architects would charge 10% for remodel work or 6% for new work. And then as prices grew and cost of things did increase, it became normal for 10%."

"Well, lately, because of the Federal action, it is now to the point that they cannot any longer say that."

"And so this was the approach that is being used here with a selection and talking to the architects, discussing and outlining the scope of work in each one of the tasks. This is a solution that has come out and has resulted in the best type of solution to that problem."

"And I think that this bill is the best solution to the problem."

Further debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Williams, the first sentence of section 4 requires agencies to encourage architectural and engineering firms 'engaged in the lawful practice of their profession, to submit annually a statement of qualifications and performance data.'"

"Can local agencies such as sewer districts, comply with the requirement, by having their association permit lists of agencies with each agency's name, address, phone number, and contact person's name to the architect and engineers' professional association?"

Senator Williams: "Yes, Senator Bauer. That section basically has language to indicate that agencies should, in a positive way, try to encourage firms to engage in practice and come to them."

"And for a particular type of small district, like sewer districts and so forth, for them, then, to provide the information on who to contact through the various associations of engineers and architects and so forth, I would think, would comply very readily with the intention of the act."

Senator Clarke: "We intend to recess as soon as we finish this bill. I am just suggesting"

POINT OF INQUIRY

Senator Fleming: "I just want to ask Senator Williams a question. It is in line with what Senator Shinpoch and some others, which is one of my concerns."

"If, in fact, you have this measure and I don't know if it is much different other than the fact if you are out there now and if you know the right people, I guess you might be able to get contracts with the right agencies. I don't know how it is done and maybe you can deal with that."

"But what I would like to know under the present circumstances versus this bill, if you do have a firm, 'Goltz and McDermott,' that is newly operating, engineering or architectural firm, have qualifications, I guess, because you go through certain requirements to be an architect or engineer. But they wanted to get some action."

"What process is there available if you are getting these certain criteria set up, what process is it for Goltz and McDermott to get a piece of the public action under this measure versus what is there presently? And I think that might address some of what Senator Shinpoch was concerned about also."

Senator Williams: "Let me give you an example of what I think is an outstanding example of how this bill has worked.

"King county and the city of Seattle, both, in 1968 when the forward thrust bond issue was passed, set up a design selection process which fits exactly with the intent of this bill and so forth.

"And those two entities have operated since 1968 that way. What they both have is a design commission, a selection process, for the selection of consultants. And over that period of years, we have seen an outstanding number of projects in the city and in the county that have been designed by all range of firms, including new firms, starting; because what you have, generally, is a selection process which, these are people knowledgeable in the business, and demonstrated competence does not necessarily mean that you have a long history of projects already completed. It may mean that, bringing to that design selection process, you have convinced that panel of people, whoever they are, that you have the competence, the design imagination, and the ability to get that job done.

"However, no initial firm, starting out, should expect to get the Kingdome, for instance. I mean it is normal process to start out with some smaller job, prove your worth, and move on then to compete for larger projects.

"So, there is nothing in this bill that I see that would inhibit the selection of new, qualified firms that are just forming, coming out of school and so forth; because we all look for that kind of talent."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 176, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Guess, Haley, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn—31.

Voting nay: Senators Charnley, Gaspard, Gould, Hansen, Hemstad, Hughes, Hurley, Lysen, McDermott, Moore, Newhouse, Peterson, Pullen, Quigg, Shinpoch, Wilson, Woody, Zimmerman—18.

SUBSTITUTE HOUSE BILL NO. 176, 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

At 3:50 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

REPORTS OF STANDING COMMITTEES

April 14, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 84, authorizing means for the disclosure of natural parent identities to adopted persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 160, revising provisions relating to retail installment sales (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Bottiger, Lysen, Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 259, providing plans for conserving paper resources by governmental agencies (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 275, correcting double amendments in the Revised Code of Washington (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 314, revising laws on disposition of exhibits in court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 323, revising laws relating to the division of industrially zoned property (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 388, authorizing local jail improvement and construction bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Fleming, Gaspard, Haley, Hayner, Jones, Lee, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 431, placing judicial training under the administrator for the courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 433, providing for termination of the criminal justice training commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 468, appropriating funds for veterans employment seminars (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 477, providing for coordination among veterans programs (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Moore, Quigg, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 481, revising certain benefits and privileges for veterans (reported by Committee on State Government):

MAJORITY Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Moore, Quigg.

Passed to Committee on Rules for second reading.

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 490, providing for a state exhibition at Energy Fair '83 (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means.

Signed by: Senators Gould, McCaslin, Newhouse, Quigg, Woody.

Passed to Committee on Ways and Means.

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 491, authorizing training of Indian tribe officers by the criminal justice training commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 493, modifying requirements for the use and foreclosure of deeds of trust (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 494, modifying procedures governing a defendant acquitted by reason of insanity (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 500, adopting a rule of statutory construction that a reference includes any amendments to the referenced statute (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 533, modifying provisions relating to the election of judges of the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 577, abolishing mandatory public retirement ages (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 13, 1981.

HOUSE BILL NO. 600, making various changes in criminal laws (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 620, providing for disability leave for state patrol officers (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 634, modifying environmental coordination procedures (reported by Committee on Parks and Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fuller, Chairman; Goltz, Guess, Haley, Hansen, Zimmerman.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 641, requiring that county auditors record plats of public land surveys (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 692, implementing the law relating to filling of vacancies on water and sewer district commissions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 697, modifying the application of the appearance of fairness doctrine (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Shiinpooh, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 702, modifying provisions relating to the state committee on salaries (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 709, transferring county treasurer's duties relating to metropolitan park districts to city treasurers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 720, modifying persons authorized to become donees of gifts of human remains (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Shiinpooh, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 733, extending provisions permitting deductions from state retirement benefits (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 736, allowing the state employees insurance board to contract with multiple carriers providing similar coverage and changing the frequency of insurance surveys performed for the board (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE CONCURRENT RESOLUTION NO. 6, creating a joint committee to study the proposed establishment of a law reform commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 42, by Representatives Tilly, Ellis, Winsley, Gallagher, Valle, Sherman, Patrick, Schmitt, Dawson, Brown, Van Dyken, Stratton, Bond, Taylor, Sanders and Cantu:

Prohibiting the use, possession and delivery of drug paraphernalia.

The bill was read the second time by sections.

Senator Talmadge moved the following amendments be considered and adopted simultaneously:

On page 4, line 17, after "person" insert "under the age of eighteen years"

On page 4, line 25, before "drug" insert "to any person under the age of eighteen years"

On page 5, line 5, after "sale" insert "to persons under the age of eighteen years"

Debate ensued.

The motion failed and the amendments were not adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 42 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lysen: "Senator Hemstad, I have been told that the staff's clips on their cards, this bill would make those clips illegal, is that true or not? Could that be true?"

Senator Hemstad: "Well, I am not sure to what you are specifically referring, Senator Lysen; but let me guess, at least. The bill prohibits paraphernalia which is designed for use with a controlled substance, and that is where the challenges have tended to come with this bill because a pipe can be designed for use with an illegal drug as well as for smoking tobacco, for example. . . ."

Senator Lysen: "Well, . . . Secretary Snyder has a clip on that is considered a 'roach clip' or something could be, that holds his badge on. Would that come under this section? I have been told it does. I do not know."

Senator Hemstad: "I cannot answer your question because I am not sure what you referred to would be used, or designed or intended for use."

"I would suggest you would have to ask someone who is more sophisticated than I in the mechanisms of paraphernalia."

Senator Lysen: "Well, Senator, you are an attorney, you would know the definitions of how this is . . . If you do not know, who do we rely on, who would you suggest?"

Senator Hemstad: "I suppose you could ask someone on your side of the aisle."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Senator McDermott would undoubtedly be much more knowledgeable than I, but in the testimony before the committee, it is quite true that many of these items as I stated in connection with the argument on the amendment, may, theoretically, be used for many other purposes. They gave illustrations of certain kinds of straws, for instance; well, you can buy a straw, you can buy a small spoon, you can buy a little clip. But if these are all offered, in effect, in a display which shows how they can be used for drug purposes, then that type of a situation is what constitutes the illegality of it."

"You can, as reduced to absurdity as it were, by picking out many of these items and show that they can have completely lawful uses, if they are so applied."

"But the whole idea, I suppose you could say that you could take a gun, say you are not going to use that gun to shoot, you are going to use it for an ornament on the wall or something like that. You get into that type of an argument and so you can pick out various specific items which, if they were on display in connection with a book that shows you how to use it to smoke pot, as it were, then that would be an illegal situation whereas if it were in an ordinary grocery store, it would not be."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, members of the Senate. In response to Senator Clarke, I am not sure you have read this bill if you want me to explain the instruments, apparently the instruments of drug use, according to this bill are scales and balances, kitchen sifters—I am sure your mother had a sifter that she could put the flour in and you turn a little handle and it fell through; they have bowls and spoons; they have balloons."

"Here we are, everybody is running a political campaign, he had balloons; that is going to be drug paraphernalia. And envelopes; think of all the envelopes."

"The really, I guess, sad thing about this bill is that we are putting it out with the belief that it will change the drug scene in this state and this country. It really is not going to do anything. What you are going to do is create a lot of hassle in a lot of situations. If you read on page 3, it says, 'In determining whether an object is drug paraphernalia under this section, a court or authority shall consider, in addition . . .' Then it goes through a long list of things, including 'Direct or circumstantial evidence of the intent of an owner, or . . . anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know . . .' You start into that, this is about as vague a language . . . you could catch anybody with that kind of language."

"And I think that really you deceive yourself if you think this kind of bill will do what you think it is intended to do. It will not stop drug use. There are other things that are much more important, drug education programs in the schools which

were cut out in the budget. That is more important than passing this kind of P.R. bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 42, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Haley, McDermott, Peterson, Scott, Williams—5.

Absent or not voting: Senators Pullen, Sellar—2.

ENGROSSED HOUSE BILL NO. 42, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Lysen: "Yes, I would like to give my copy of 'Profiles in Courage' to Dr. Haley over there; I think he deserves it more than I do."

SECOND READING

SENATE BILL NO. 3930, by Senators Lee, Scott and Gallagher:

Repealing provisions relating to game department property taxes.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 3930 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3930, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Metcalf, Moore, Peterson, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman—37.

Voting nay: Senators Goltz, Hemstad, McCaslin, Newhouse, Patterson, Quigg, Rasmussen, Talmadge, Wilson, Woody—10.

Absent or not voting: Senators Bottiger, Pullen—2.

SENATE BILL NO. 3930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 316, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representatives Teutsch and Wang):

Revising licensing requirements for the practice of midwifery.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 316, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Williams, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Newhouse, Quigg, Talley, von Reichbauer, Wilson—5.

Absent or not voting: Senators Pullen, Vognild—2.

SUBSTITUTE HOUSE BILL NO. 316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 636, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Lundquist and Isaacson):

Permitting reimbursement at monthly rates for municipal officers and employees using personal automobiles for official travel.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 636, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Talley, von Reichbauer, Williams, Wilson, Woody, Zimmerman—40.

Voting nay: Senators Goltz, Hughes, Moore, Shinpoch, Talmadge, Vognild, Wojahn—7.

Absent or not voting: Senators Pullen, Rasmussen—2.

SUBSTITUTE HOUSE BILL NO. 636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 83, by Representatives Lewis, Williams, King (J.), Wang, Pruitt, Leonard, Erickson, Smith, Hankins and McGinnis:

Modifying the regulation of optometry.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Haley and Sellar:

On page 1, line 24, after "vision." insert "The practice of optometry does not include the use of drugs or surgery in the treatment of eye diseases."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator McDermott, in the wording of your amendment, would the word 'eye disease' include the after effects or the side effects of the use of a diagnostic drug on the eye?"

Senator McDermott: "Senator Goltz, the intention here is to deal with eye diseases, not with systemic effects which might occur as a result of the drug usage. That would be the response of the optometrist. He would have to, if he puts drugs, drops in the eye and he had some kind of reaction, he would have to be responsible for that. He would have to take that on his own risk.

"What I am saying is that you should not be into actually treating eye diseases, that is, making the diagnosis and then saying, 'Well, you should take this antibiotic which has reactions or that surgery might be necessary.' Again, I do not think that is in the science of optometry."

Senator Goltz: "Senator McDermott, I think you said 'no,' correct?"

Senator McDermott: "I believe that was the essence, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator McDermott, the wording of your amendment does not include the use of drugs or surgery. I can understand a portion of it and I do not think the optometrists are surgeons anyway, and I do not think they ever practice surgery on a practical basis.

"But it is so broad that I don't even know whether it relates, and I could even maybe raise a question of scope and object. I can remember years ago when I went in to the optometrist to get a test for glaucoma, he had to put some drops in my eyes. Now they do not do that any more, they have a machine that they put up in your eye and flash a little light and they can test it. Would that be a drug? Or would a little Visine, maybe, that some of the Senators have to put in their eyes in the morning, after we work 'til midnight, would that be classified as a drug? I think it is a little bit vague and broad and I would like to have you tell me what you mean by 'drugs and surgery.'"

Senator McDermott: "Senator Peterson, your question gave me many chances for response. Basically, you diagnose an illness and then you prescribe treatment. And the bill is designed to use drops to dilate the eyes for diagnosis only. That is what is alleged to be the point of the bill.

"This amendment is merely to make explicit diagnosis only, not treatment and not surgery. And I, the proponents of the bill, had never alleged they wanted to have surgery or to have the ability to treat diseases of the eye, and for that reason I cannot see why this amendment should create a problem."

Senator Peterson: "Well, between us, Senator McDermott, if I am not out of time, the word 'drug,' we just passed a bill through the Senate which we authorized DMSO and that is supposed to be good for bruises and arthritis and all this kind of

thing, and what is the difference between that and a drop in the eye put in there by an optometrist?"

Senator McDermott: "Mr. President, I hope you won't mind if I wander a little bit afield here in answering the question.

"What we did in the DMSO bill was to give people the right to do it to themselves. If they want to go down and buy the drug and use it, that is certainly, I think, a good thing to give people freedom of choice. I have supported bills for laetrile and recently DMSO. People are choosing for themselves; but in this situation, they are going into a professional and they are putting their trust in the professional; I think it should be clear what the intent is when they go in, what the doctor is being held liable for."

The motion by Senator McDermott failed and the amendment was not adopted.

Senator Haley moved adoption of the following amendment by Senators Haley, McDermott and Sellar:

On page 2, line 17, after "have" strike all material down through "purposes" on line 26 and insert "completed the following:

(a) A course prescribed by the board of optometry and the board of medical examiners consisting of at least one hundred fifty hours of which at least seventy-five hours must concern examination techniques and resuscitation techniques; and

(b) A clinical examination, satisfactorily passed, conducted by the department of ophthalmology of the University of Washington school of medicine demonstrating proficiency in the use of techniques required by the board of optometry and the board of medical examiners."

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Haley, I have a memo up on my desk, I did not bring it down because I did not think we would be working this calendar tonight. But I am not even sure these courses could or would be offered by the university and what assurances do we have that if this amendment passes, the opportunity would even be available? My information is that it probably would not."

Senator Haley: "The ophthalmologists every week see people whom they decide should not have these drugs used even by the ophthalmologist. I have heard the figure used that twenty cases a week in the busy ophthalmologist practice by their diagnostic equipment, should not be given drugs because they might produce an acute angle closure glaucoma; and they can get around the use of these drugs by a puff test for glaucoma and looking at the retina of the eye without the use of drugs that dilate the pupil of the eye.

"And I think that if even half of the number per week that the busy ophthalmologist or the busy optometrist would see, has a chance of developing this acute angle closure glaucoma, I think that it is just foolish for us to consider granting these people the opportunity to use these drugs without a thorough training in the use and all the ramifications that come with the use of these drugs."

Further debate ensued.

REMARKS BY SENATOR SELLAR

Senator Sellar: "Mr. President, in response to Senator Peterson, acute glaucoma is a very serious disease. There is an angle, looks like a little 'v' that is right in behind the pupil of the eye; and when glaucoma is precipitated, that angle closes and the eye gets a little swelling and the angle gets very, very narrow and the fluid of the eye passes very slowly through that, and that is what causes glaucoma.

"Sometimes when you dilate the eye, suddenly it closes off that angle and there is no place for the fluid to go and there is a tremendous pressure build-up. It is

painful and it hurts and it is scary, both to the patient and to the doctor. It really is. Even a trained ophthalmologist is frightened when he sees an acute glaucoma attack; believe me, I have seen it. And it is not funny. And it requires a little bit more training. It is dangerous at its best. It is not a laughing matter. And I would really, really urge you to adopt this amendment."

POINT OF INQUIRY

Senator Quigg: "Senator Haley, you say that a busy office has ten to twenty cases a week like this?"

Senator Haley: "That is what I am told. I am told that in a busy practice of . . ."

Senator Quigg: "Okay, well that is if there are ten to twenty a week; and how many busy offices are there in the state?"

Senator Haley: "Well, there are a great many, in my area . . ."

Senator Quigg: "Okay, are there any other states in the nation where optometrists presently can dispense or use this kind of . . ."

Senator Haley: "Yes, there are, but unfortunately nobody knows how much partial blindness or perhaps total blindness is caused by this condition."

Senator Quigg: "That would almost be, Senator Shinpoch's calculator comes up with nearly 4,000 cases a year of this in the state of Washington in one office. I think that indicates that across the nation this would be an epidemic proportion.

"Now I think it is only reported as such in that tan newsletter that was sent, I think; I think the rest of the experience indicates that that is not the case.

"I think I am going to vote against this amendment."

Further debate ensued.

The motion by Senator Haley failed and the amendment was not adopted on a rising vote.

Senator Zimmerman moved the following amendments be considered and adopted simultaneously:

On page 3, line 30, after "anesthetics," insert "and"

On page 3, line 31, strike ", and for emergency use only, miotics"

On page 3, line 33, after "administer" insert "if these agents are administered at the time and place of an eye examination for the purpose of ascertaining defects"

Debate ensued.

The motion by Senator Zimmerman failed and the amendments were not adopted on a rising vote.

Senator Sellar moved adoption of the following amendment by Senators Sellar, McDermott and Haley:

On page 3, strike all material on line 29 and down through "administer" on line 33 and insert "the following agents so long as a notation, in writing, is made in the permanent record of the person whenever any of these agents is used and any adverse reaction to the agents is reported to the optometry board and the national registry of ocular side effects within seven days of the adverse reaction:

(a) Topical anesthetics: proparacaine HCl ½%, benoxinate HCl 0.4%, piperacaine HCl 2%, and tetracaine ½%;

(b) Cycloplegics: tropicamide in concentrations not over 1% and cyclopentolate in concentrations not over 1%;

(c) Mydriatics: phenylephrine in concentrations not over 2.5% and hydroxyamphetamine in concentrations not over 1%;

(d) Dyes: fluorescein"

POINT OF INQUIRY

Senator Fleming: "Senator Haley, does this type of thing, if this would happen at the present time and an ophthalmologist was doing it, does he make that same report?"

Senator Haley: "The ophthalmologists have a big body of medical literature . . ."

Senator Fleming: "No, no, that is not what I asked. Do they make the report, the same report that you are asking the optometrists to make to the same body at the time of the same reaction?"

Senator Haley: "I cannot answer whether or not they do but I would be glad to support the amendment with you . . . require the ophthalmologists to do that."

POINT OF INQUIRY

Senator Moore: "Senator Haley, I think, if I read this thing right, that there is a matter of the optometrists having to report. Now to whom do they report?"

Senator Haley: "The optometry board."

Senator Moore: "And, what happens then?"

Senator Haley: "They would keep a registry of the adverse effect so that this would be open for public inspection. This would be published and could be known by the legislature or anyone else who is interested in the number of reactions that occur when these drugs are used."

Further debate ensued.

The motion by Senator Sellar failed and the amendment was not adopted on a rising vote.

Senator Zimmerman moved adoption of the following amendment:

On page 4, after line 2, insert the following:

"NEW SECTION, Sec. 4. There is added to chapter 18.53 RCW a new section to read as follows:

If during the course of examining a person, an optometrist determines the possibility of the existence of a pathological condition, the optometrist shall so advise the person and shall refer the person to an appropriate medical specialist for further evaluation."

Renumber the remaining section consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Bottiger, in the pursuit of a case of malpractice where an optometrist saw a patient and suspected that there was a pathologic problem in the eye and did not refer this patient to an ophthalmologist for care or did not take any steps to find out what was wrong and get the patient to treatment immediately as Senator Wojahn has suggested in the case she mentioned, unless this amendment is adopted and these days we hold a health vendor to the standard of care for his or her specialty, would you be able to bring suit against that optometrist if such a case developed where he did not refer but suspected the pathology to be there?"

Senator Bottiger: "Doctor Haley, it wouldn't make any difference whether it was an optometrist or a general medical practitioner or an ophthalmologist or anybody else. If you detect a condition which is beyond your ability to handle, whether it be in my case as a lawyer or any of the rest of us in this field, then you should refer that person to a specialist. I think the key word in here is 'pathology.'

"I look around the floor of this Senate and I notice that I share a pathological condition with almost half of the members. Mine is an astigmatism, a shortsightedness, a whole series of eye conditions which are pathological. The key

word in this amendment of course is that if anybody needs glasses, they have to go to a ophthalmologist because they have a pathological condition.

"And the word in this amendment which makes it susceptible to voting 'no,' is that no optometrist could treat anybody; they would have to refer everybody to an ophthalmologist."

Senator Haley: "Senator Bottiger, I hate to try to upstage an attorney on this but I have never heard of a case where anyone got sued because someone did not detect a refractive error, in other words, the condition that needs someone to require eyeglasses."

Senator Bottiger: "Senator, I don't try to do yours and you don't try to do mine. The word is 'pathological.' You know what it means and I know what it means: any disease of the eye, astigmatism."

POINT OF INQUIRY

Senator McDermott: "Mr. President, I would like to clarify one thing Senator Bottiger said which I think is incorrect, at least I do not think you meant what you said, Senator Bottiger, because if you look at the first part of the bill which is existing language it talks about 'eye defects,' not diseases. The 'defects' of structure such as being shortsighted or nearsighted and being farsighted or having astigmatism, are defects of the shape of the eye, they are not diseases. And diseases, that is a different category and the word 'pathological' really means 'disease.'

"So when you say that this would prevent optometrists from prescribing eyeglasses, I do not think there is any basis for that; they are already allowed to do that earlier in the bill and there is no intention in this to take that away."

Senator Bottiger: "Senator, presuming that was the question, I am reading the amendment: 'If, during the course of an examination of a person, an optometrist determines the possibility of existence of a pathological condition,' and you and I both know what that means, it means a disease of the eye, and as I understand astigmatism is a disease of the eye."

Senator McDermott: "May I just respond to that. The use of the word 'pathology' is in terms of life-threatening diseases, things that threaten the life . . . The usual use of the word 'pathology,' unless you are talking in legal terms; if you are talking in medical terms, it clearly is not a disease to have, otherwise the whole world is 'diseased.' You look at the number of people in their seventies who wind up wearing glasses, you would have to say everybody is 'diseased' and that is not the nature of the definition of 'disease.' It is a physical defect."

Further debate ensued.

The motion by Senator Zimmerman failed and the amendment was not adopted on a rising vote.

Senator Zimmerman moved adoption of the following amendment:

On page 4, after line 6, insert the following:

"NEW SECTION. Sec. 5. There is added to chapter 18.53 RCW a new section to read as follows:

An optometrist licensed under this chapter shall inform the person that his judgement of eye health is not that of an eye specialist. All optometrists shall be held to the same standard of care in the use of pharmaceutical agents and in detection of disease as is applied to ophthalmologists."

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Haley, what is the definition of 'eye specialist?' Since it is not in the statute, perhaps you, as a doctor, can enlighten us."

Senator Haley: "Thank you. This term is vague, I admit that. The important part of this amendment is in the following sentence that 'the standard of care must be used and observed' and that is Washington state law for all health vendors, according to their profession. And I cannot give you a definition of 'eye specialist' but I can tell you that the standard of care for an optometrist should be in accordance with the drugs he is using."

Further debate ensued.

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President, members of the Senate. To close debate on this particular amendment, an eye specialist is quite obviously in the RCW and it does obviously mean an ophthalmologist or a person who can function as an ophthalmologist. An eye specialist is exactly what it is, it is an ophthalmologist. And it is in the statute, RCW 18.53.100 refers to what optometrists cannot do. He cannot call himself an 'eye specialist' and so I am suggesting that if we are going to treat them, we are going to let them treat them like ophthalmologists with drugs, let them do all those things, let them consider that they are a real doctor in terms of eye training and they have not had the training we had better tell the folks about it. We had better be sure they tell the folks because you people believe in the idea that people have the right to know what it is all about. Up front, we have got to be sure. So let us adopt it, put it in there, you know, right up there where everybody can see it.

"Now let us be serious about it, let us pass one amendment on this bill that might do something good for us before you send it back in the condition it is in, because frankly, it is not really good law and this is a deliberative body of people who really think it over."

POINT OF INQUIRY

Senator Peterson: "Senator Zimmerman, don't you consider an optometrist an 'eye specialist?'"

Senator Zimmerman: "I do not consider an optometrist an 'eye specialist.' I consider an optometrist a person who is trained to do some measurements as far as vision, who certainly has the ability to fit glasses and contacts, and do an awful lot of things that are helpful to persons that need glasses. I have no qualms, as a matter of fact I have, I think there is a very definite service that optometrists fill and I would feel that that is the place we need to have it. But I do not consider, that as far as eye specialists, their work is really in terms of, it does not fit the term, at least as far as the RCWs are concerned, let us say that."

Senator Peterson: "We are not debating the fact of whether he is an ophthalmologist or qualified to operate or this, but wouldn't you consider an optometrist a 'specialist?'"

Senator Zimmerman: "Well, we could go a long time on this. I guess as far as the RCW it doesn't consider that at the present time."

Senator Zimmerman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 31; absent or not voting, 1.

Voting yea: Senators Bluechel, Charnley, Clarke, Fuller, Gould, Guess, Haley, Hayner, Jones, McCaslin, McDermott, Metcalf, Patterson, Rasmussen, Sellar, Wojahn, Zimmerman—17.

Voting nay: Senators Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, Moore, Newhouse, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody—31.

Absent or not voting: Senator Pullen—1.

MOTION

Senator Deccio moved the rules be suspended, Engrossed House Bill No. 83 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Sellar objected.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio that the rules be suspended and Engrossed House Bill No. 83 be advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, Moore, Newhouse, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody—33.

Voting nay: Senators Bluechel, Clarke, Gould, Guess, Haley, Hayner, Jones, McCaslin, McDermott, Metcalf, Patterson, Rasmussen, Sellar, Wojahn, Zimmerman—15.

Absent or not voting: Senator Pullen—1.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 83.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 83 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, Moore, Newhouse, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody—32.

Voting nay: Senators Bluechel, Charnley, Clarke, Gould, Guess, Haley, Hayner, Hemstad, Jones, McCaslin, McDermott, Metcalf, Patterson, Rasmussen, Wojahn, Zimmerman—16.

Absent or not voting: Senator Pullen—1.

ENGROSSED HOUSE BILL NO. 83, 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.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Sellar served notice that he would, on the next working day, move for reconsideration of the vote by which House Bill No. 83 passed the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 374, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson, Garrett, Erickson and McGinnis):

Modifying procedures governing annexation.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 374, modifying procedures governing annexation (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 32, after "filing." insert a new paragraph as follows:

"The provisions of this section shall apply only to cities with a population greater than 400,000."

On page 8, after line 16, insert a new section as follows:

"NEW SECTION, Sec. 11. There is added to chapter 52.04 RCW a new section to read as follows:

If a fire protection district is contiguous to property which is subject to tax under chapter 82.29A RCW and the property cannot be annexed under RCW 52.04.170, the board of fire commissioners of the district may annex the property by resolution. If more than one fire protection district is contiguous to the property and moves to annex the property, the boundary review board shall determine the portion of the property which may be annexed by each district. The boundary review board shall use a reasonable basis to allocate the property to the districts."

On line 17 of the title, after "RCW" and before the period insert "; adding a new section to chapter 52.04 RCW"

Signed by: Senators Bauer, Fuller, Lee, McCaslin, Talley.

The bill was read the second time by sections.

Senator Zimmerman moved adoption of the committee amendment to page 2, line 32.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the committee amendment to page 1, line 32.

ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 33; nays, 14; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Wilson, Woody, Zimmerman—33.

Voting nay: Senators Charnley, Fleming, Goltz, Hemstad, Hughes, Lysen, McDermott, Peterson, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams—14.

Absent or not voting: Senators Pullen, Wojahn—2.

Senator Zimmerman moved adoption of the committee amendment to page 8, line 6, inserting a new section.

POINT OF ORDER

Senator McDermott: "Mr. President, I would like to raise question of scope and object on this amendment. We have before us a bill which mainly deals with chapter 35 which is 'cities and towns;' and we have as an amendment before us, an amendment relating to chapter 82 relating to 'fire districts.'

"And would appreciate your ruling on whether this is within the scope and object of Substitute House Bill 374."

Debate ensued.

MOTION

At 9:47 p.m., there being no objection, the Senate was declared to be at ease. The President called the Senate to order at 10:01 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 227.

SECOND READING

HOUSE BILL NO. 227, by House Committee on Transportation and Representative Wilson:

Permitting heavier loads on certain highways by special permit.

REPORT OF STANDING COMMITTEE

March 30, 1981.

HOUSE BILL NO. 227, permitting heavier loads on certain highways by special permit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 32, chapter 151, Laws of 1977 ex. sess. and RCW 46.44.092 are each amended to read as follows:

~~((No)) Special permits ((shall)) may not be issued for movements on any ((two lane)) state highway outside the limits of any city or town ((where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet, except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That)) in excess of the following widths:~~

~~On two-lane highways, fourteen feet;~~

~~On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;~~

~~On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.~~

~~These limits apply except under the following conditions:~~

~~(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department~~

of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: **PROVIDED FURTHER**, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(4) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed ((~~forty-five~~) eighty) thousand pounds and the overall width of load does not exceed sixteen feet: **PROVIDED**, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation."

Signed by: Senators von Reichbauer, Chairman; Sellar, Vice Chairman; Benitz, Charnley, Gallagher, Guess, Hansen, Kiskaddon, Metcalf.

The bill was read the second time by sections.

On motion of Senator Patterson, the committee amendment was adopted.

On motion of Senator Patterson, the rules were suspended, House Bill No. 227, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 227, as amended by the Senate, and the bill passed the following vote: Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Woody, Zimmerman—43.

Voting nay: Senators Fleming, McDermott, Ridder, Shinpoch, Wilson—5.

Absent or not voting: Senators Pullen, Wojahn—1.

HOUSE BILL NO. 227, 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.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee consisting of Senators Clarke, Jones, Hayner, Shinpoch, Newhouse and Bottiger to escort Congressman Sid Morrison to a seat upon the rostrum.

The President turned the gavel over to Senator Newhouse who introduced the former Senator and now Congressman to the Senate.

With permission of the Senate, business was suspended to permit Congressman Morrison to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

SECOND READING

HOUSE BILL NO. 99, by Representatives Smith, Flanagan, Nisbet, Dickie, Barr, Sanders, Isaacson, Fancher, Clayton and Hastings:

Modifying provisions relating to water rights reverted to the state.

MOTIONS

On motion of Senator Ridder, Senator Gaspard was excused.

Senator McDermott moved adoption of the following amendment:

On page 1, line 17, after "right" strike all language down through "90.03.250" on line 18 and insert:

"(shall become available for appropriation in accordance with RCW 90.03-250) or any right reverted under RCW 90.14.170 or under RCW 90.14.180 shall first be applied to meet minimum flows established by the department of ecology, then be available for appropriation in accordance with RCW 90.03.250"

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Charnley, you made the statement that we are running out of water. Every drop of water that was ever on earth is still on earth, we have not used up one drop yet. It is in this cycle business.

"Now the moisture in your body is going to return into the cycle and so I cannot see where you can say that the world is running out of water. We may be using that water for useful purposes and maybe your idea of a useful purpose is different than my idea of useful purpose, but when it gets to your belly, my idea will be the one that will stand out the strongest.

"So I think the statement was in error when you said that we are running out of water because every drop of water that was ever on earth is still here."

Senator Charnley: "Thank you, Senator Hansen. Mr. President, I presume I can respond to the question.

"I would like to suggest that the water is the same amount and therein Senator Hansen makes my point. It is the same amount of water but there are more of us, and we have found more and more ways to use water and I will name one that people are very interested in. We are running low on oil and there is a lot of oil shale, but in order to get the oil out of oil shale, we have got to have water and there is the problem right now because the oil shale is in the dryest parts of the country, the world.

"Yes there is plenty of water, but it does not fall where we need it, it falls out in the ocean. Forty inches of rain per year all over the world. Eight inches remains on the surface and of that, three inches runs off. And that is what we are talking about, is that three inches. We are talking about an exceedingly limited supply which is being stretched further and further, and Senator Hansen certainly, I think,

strengthens my argument. Yes, there is the same amount of water but there is lot more of us and a lot greater need in use of that water particularly for the kinds of irrigation we have now which is great, the high-powered large circle irrigation.

"The water is being used, gang, we have got to be careful of it."

Senator Shinpoch demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Ridder, Senator Gaspard was excused.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 21; absent or not voting, 2; excused, 1.

Voting yea: Senators Bluechel, Bottiger, Charnley, Fleming, Gallagher, Goltz, Gould, Haley, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody, Zimmerman—25.

Voting nay: Senators Bauer, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Hemstad, Jones, McCaslin, Moore, Newhouse, Patterson, Quigg, Sellar, Vognild, von Reichbauer, Wilson—21.

Absent or not voting: Senators Metcalf, Pullen—2.

Excused: Senator Gaspard—1.

On motion of Senator Benitz, the rules were suspended, House Bill No. 99, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 99, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Bauer, Fleming, Gallagher, Goltz, Shinpoch, Zimmerman—6.

Absent or not voting: Senators Guess, Pullen—2.

Excused: Senator Gaspard—1.

HOUSE BILL NO. 99, 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.

SECOND READING

HOUSE BILL NO. 75, by Representatives Martinis, Wilson, Burns, Garrett, Sherman, Walk, Garson, Bender, Erak, Clayton, Sprague, McCormick, Gallagher and Pruitt:

Directing the transportation commission to prepare its own budget request, independent of the department.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the following amendments were considered and adopted simultaneously:

On page 1, line 26, after "be" strike "it" and insert "employed directly by the commission and" and insert "commission employees,"

On page 1, line 27, after "to" strike "it" and insert "the commission and shall have no employment relation or affiliation with the department or the legislature"

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 75, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 75, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Deccio, Fleming, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Scott, Sellar, Shinpoch, Talley, Vognil, von Reichbauer, Zimmerman—31.

Voting nay: Senators Bottiger, Craswell, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Quigg, Rasmussen, Ridder, Talmadge, Williams, Wilson, Wojahn, Woody—16.

Absent or not voting: Senator Pullen—1.

Excused: Senator Gaspard—1.

HOUSE BILL NO. 75, 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.

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

REPORTS OF STANDING COMMITTEES

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 285, mandating flag exercises in each classroom at beginning of school day (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 462, implementing law relating to the injury or defacement of school property and liability therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 663, modernizing initiative and referendum petition requirements (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Metcalf, Ridder, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 728, revising definition of appraisals
(reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Fleming, Gallagher,
McDermott, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

MOTION

At 10:50 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30
a.m., Wednesday, April 15, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 15, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg.

The President declared the Senate to be at ease.

The President called the Senate to order at 11:15 a.m.

The Color Guard, consisting of Pages Lynnette Shaw and Jim Van Eaton, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 14, 1981.

SUBSTITUTE SENATE BILL NO. 3719, authorizing bonds for the acquisition of scenically fragile lands (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3719 be substituted therefor, and the second substitute bill do pass.

Signed by: Senators Scott, Chairman; Bauer, Deccio, Fleming, Gaspard, Hayner, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 14, 1981.

SENATE CONCURRENT RESOLUTION NO. 110, authorizing review of auditing of local governments (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 110 be substituted therefor, and the substitute concurrent resolution do pass.

Signed by: Senators Zimmerman, Chairman; Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 203, providing for fire protection for state-owned buildings (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 247, modifying provisions affecting irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

April 14, 1981.

REENGROSSED HOUSE BILL NO. 286, continuing the displaced home-makers program (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Craswell, Vice Chairman; Bauer, Fleming, Gaspard, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 333, repealing wheat commission statutes (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 470, appropriating funds for training of mental health professionals (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Bauer, Deccio, Fleming, Gaspard, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 472, modifying the penalty for unlawful political advertising (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Gould, Metcalf, Woody.

Passed to Committee on Rules for second reading.

April 15, 1981.

HOUSE BILL NO. 542, implementing law relating to cooperative associations (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen, Wilson.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 678, revising procedures for special audits of agricultural coops (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCaslin, Chairman; Benitz, Gaspard, Hansen.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 707, appropriating funds for water supply facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Gaspard, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 14, 1981.

HOUSE BILL NO. 708, changing fees for official services, and permitting their recovery as court costs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 14, 1981.

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:

Ms. Ann Sandstrom appointed April 13, 1981, as a member of the Judicial Qualifications Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

Office of the Governor, April 14, 1981.

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:

Ms. Greta Ann Bryan, appointed April 13, 1981, as a member of the Judicial Qualifications Commission.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Judiciary Committee.

MESSAGE FROM SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 7, 1981

Mr. Sid Snyder,
Secretary of the Senate
Washington State Senate
Legislative Building
Olympia, WA 98504

Dear Sid:

Enclosed please find the completed questionnaire by Dale Mitchell for appointment to the new State Investment Board.

Sincerely
FRANK B. BROUILLET
State Superintendent
of Public Instruction.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

April 15, 1981.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 222,

SUBSTITUTE HOUSE BILL NO. 352,

HOUSE BILL NO. 438, and the same are herewith transmitted.

VITO T. CHEICHI, Chief Clerk.

April 14, 1981.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 52,
 HOUSE BILL NO. 172,
 HOUSE BILL NO. 186,
 HOUSE BILL NO. 190,
 HOUSE BILL NO. 191,
 SUBSTITUTE HOUSE BILL NO. 290,
 SUBSTITUTE HOUSE BILL NO. 308,
 HOUSE BILL NO. 334,
 HOUSE BILL NO. 551, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 52,
 HOUSE BILL NO. 172,
 HOUSE BILL NO. 186,
 HOUSE BILL NO. 190,
 HOUSE BILL NO. 191,
 SUBSTITUTE HOUSE BILL NO. 222,
 SUBSTITUTE HOUSE BILL NO. 290,
 SUBSTITUTE HOUSE BILL NO. 308,
 HOUSE BILL NO. 334,
 SUBSTITUTE HOUSE BILL NO. 352,
 HOUSE BILL NO. 438,
 HOUSE BILL NO. 551.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Guess, Patterson, Benitz, Fuller, von Reichbauer, Deccio, Goltz, Haley, Zimmerman, Talley, Wojahn, Lysen, Rasmussen, Vognild, Bauer, Wilson, Peterson, Quigg, Gould, Charnley, McCaslin, Metcalf, Hansen, Hurley and Williams:

Establishing the joint select committee on earth-sheltered construction.

Referred to Committee on Rules.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 114.

SECOND READING

ENGROSSED HOUSE BILL NO. 114, by House Committee on Transportation and Representatives Wilson and McCormick:

Excusing railroads and their employees from liability for injury to trespassers on bridges, trestles, and tracks.

The bill was read the second time by sections.

On motion of Senator Shinpoch, the following amendment was adopted:

On page 2, line 5, after "(or)", insert "and", and after "trestles," strike "and tracks,"

Senator Vognild moved adoption of the following amendment:

On page 2, line 6, after "highway," insert "road, street, alley, or at any public or private crossing or place commonly and lawfully used for travel by the public"

POINT OF INQUIRY

Senator Gould: "Senator Vognild, you may recall, a couple of years ago we had some major accidents at the ferry crossing at Edmonds, the railroad crossing at the entrance to the ferry dock.

"Without your amendment, would they be protected from immunity? How would your amendment affect that?"

Senator Vognild: "It would be my thought that the actual roadway used by the automobiles probably would be okay without the amendment. But the side areas which are used by the public, I do not believe would be covered without my amendment."

The motion by Senator Vognild carried and the amendment was adopted.

Senator Vognild moved the following amendments be considered and adopted simultaneously:

On page 2, line 7, after "employee" insert "licensee or invitee,"

On page 2, line 7, after "trespasser" strike "or was otherwise not authorized to be" and insert "((or was otherwise not authorized to be))"

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Vognild.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Peterson, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody, Zimmerman—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wojahn—26.

Senator Charnley moved adoption of the following amendment:

On page 2, lines 5 and 6, strike underlined language and restore language to original form.

The motion by Senator Charnley failed and the amendment was not adopted on a rising vote.

Senator Talmadge moved adoption of the following amendment:

On page 2, beginning on line 16, strike the balance of the bill.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Craswell, Fleming, Gaspard, Goltz, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McCaslin, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer—23.

Absent or not voting: Senator Conner—1.

On motion of Senator Patterson, the rules were suspended Engrossed House Bill No. 114, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 114, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wojahn—29.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hemstad, Kiskaddon, McCaslin, McDermott, Peterson, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Woody, Zimmerman—19.

Absent or not voting: Senator Lysen—1.

ENGROSSED HOUSE BILL NO. 114, 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 Clarke, the Senate advanced to the eighth order of business.

MOTION

Senator Clarke moved the Committee on Ways and Means be relieved from further consideration of Substitute Senate Bill No. 3929 and the bill be placed on the second reading calendar.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Scott, I would like to know whether the bill, 3929, had a public hearing before the ways and means committee?"

Senator Scott: "No, Senator Goltz, it did not."

Senator Goltz: "The second question I have is, to what extent has the content of the bill that we sent back to you been changed?"

Senator Scott: "Not at all. I haven't any power to change things on my own, despite what anyone may think."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Then, Mr. President, if I may, I would like to speak against the amendment.

"It seems to me that a bill that was sent back to a committee because it did not have a public hearing before, and which was faulty in its construction which is not understood, and did not now receive a hearing before the ways and means committee to which it was sent, should not be brought back here."

REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President and members of the Senate.

"Substitute Senate Bill 3929 as well as Senate Bill 3929 did have a hearing in higher education committee. We did adopt the substitute bill as has happened thousands of times around here. So it has had a public hearing."

Further debate ensued.

Senators Clarke, Benitz and Scott demanded the previous question.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The President declared the question before the Senate to be the motion by Senator Clarke that the Committee on Ways and Means be relieved from further consideration of Substitute Senate Bill No. 3929 and the bill be placed on the second reading calendar.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Committee on Ways and Means be relieved from further consideration of Substitute Senate Bill No. 3929, and the bill be placed on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Shinpoch moved the Senate now reconsider the vote by which Engrossed Substitute Senate Bill No. 3698 passed the Senate on April 14, 1981.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion for reconsideration by Senator Shinpoch on Engrossed Substitute Senate Bill No. 3698.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTIONS

On motion of Senator Clarke, the Senate commenced consideration of Senate Resolution 1981—55.

Senator Hayner moved adoption of the following resolution:

SENATE RESOLUTION 1981—55

By Senators Hayner and Clarke:

BE IT RESOLVED, That the permanent rule of the Senate, Forty-Seventh Legislature, be amended as follows:

RULE 67. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: PROVIDED, HOWEVER, That on and after the tenth day preceding adjournment sine die of any regular session this rule may be suspended by a majority vote (~~only for omnibus appropriations bills~~).

Debate ensued.

Senator Goltz moved adoption of the following amendment to the resolution:

Following "vote" on the last line of the amendment, insert "except for redistricting bills"

Debate ensued.

Senator Newhouse demanded the previous question.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The President declared the question before the Senate to be the amendment by Senator Goltz.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment by Senator Goltz was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

The President declared the question before the Senate to be adoption of Senate Resolution No. 1981—55.

Debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Mr. President, members of the Senate.

"I would ask Senator Hayner to yield to a question and I will state it without asking her to yield and hoping that she will do so.

"You had mentioned when we discussed Senator Goltz' amendment that you would give us sufficient amount of time to consider a redistricting plan. I guess I would like to have you go on record what you consider to be a 'sufficient amount of time.'"

Senator Hayner: "Mr. President, certainly enough time to see what your districts are. You have the same equipment available to you at the University of Washington right now that we have. You can run your figures, you can do what needs to be done. When you see your district you can run that through and see exactly what it is."

Senator Gaspard: "Well, if I can continue, then that 'sufficient amount of time' means the time that you decide. Would that be six hours or twelve hours or twenty-four? It makes no difference, the time that you want to run redistricting is the time that you will decide to do it."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on Senate Resolution 1981—55.

ROLL CALL

The Secretary called the roll and the resolution was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

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

REPORTS OF STANDING COMMITTEES

April 15, 1981.

ENGROSSED HOUSE BILL NO. 228, modifying provisions on financial responsibility for motor vehicles (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED HOUSE BILL NO. 230, regulating insurance rates (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

April 14, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 338, permitting operating agencies to contract with nationally recognized firms without letting bids (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules for Second Reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 339, permitting certain provisions and revenue bonds and warrants issued by operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Williams, Wilson, Woody.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator McCaslin, Vice Chairman.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, modifying powers and duties of the energy office (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Wilson, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, enacting the sentencing reform act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse.

Passed to Committee on Rules for second reading.

April 15, 1981.

HOUSE BILL NO. 530, modifying amounts payable for certain death benefits (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Lysen, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

April 14, 1981.

ENGROSSED HOUSE BILL NO. 599, modifying provisions relating to enforcement of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 658, providing energy conservation procedures for state buildings (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Moore, Williams, Wilson.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED HOUSE BILL NO. 701, modifying provisions relating to accounts offered by financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

MOTION

At 1:05 p.m., on motion of Senator Clarke, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

The Senate was declared to be at ease.

The President called the Senate to order at 2:20 p.m.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 302, by House Committee on State Government (originally sponsored by Representatives Garson, Addison, McGinnis, Walk, Hankins, Kreidler, Rust and Johnson):

Creating a state personnel appeals board.

The bill was read the second time by sections.

On motion of Senator Benitz, the following amendment was adopted:

On page 1, line 27, after "senate" strike all material down through "senate" on page 2, line 1.

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 302, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Clarke, Substitute House Bill No. 302, as amended by the Senate, was ordered held on third reading following consideration of Senate Bill No. 3929.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 4090.

SECOND READING

SENATE BILL NO. 4090, by Senator Benitz:
Relating to tuition and fees.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 4090 was substituted for Senate Bill No. 4090 was substituted for Senate Bill No. 4090 and the substitute bill was placed on second reading and read the second time in full.

Senator Charnley moved adoption of the following amendment:

On page 2, section 1, line 12, after "time to time." strike everything down to and including the period on line 21 and insert:

~~"(All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund. PROVIDED, That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of financial management:))"~~

Debate ensued.

The motion by Senator Charnley failed and the amendment was not adopted.

Senator Goltz moved the following amendments be considered and adopted simultaneously:

On page 5, section 6, line 12, strike "one thousand two hundred and forty-eight" and insert "one thousand one hundred and seventy-seven".

On page 5, section 6, line 18, strike "two thousand and seventy-nine" and insert "one thousand six hundred and seventeen".

On page 5, section 6, line 35, strike "three thousand seven hundred and forty-one" and insert "three thousand five hundred and seventy"

On page 6, section 6, line 7, strike "six thousand two hundred and thirty-seven" and insert "four thousand nine hundred and sixty-two".

On page 6, section 7, line 31, strike, "nine hundred seven dollars and fifty cents" and insert "eight hundred forty-nine dollars and fifty cents".

On page 7, section 7, line 8, strike "three thousand six hundred thirty-one dollars and fifty cents" and insert "three thousand four hundred thirty dollars and fifty cents"

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Senator Charnley moved adoption of the following amendment:

On page 2, line 31, after "instruction))" and before "of the" strike "one-third" and insert "twenty-five percent"

Debate ensued.

POINT OF INQUIRY

Senator Lysen: "Senator Goltz, I have been listening to the debate with taxpayer against a student and taxpayer against taxpayer, but the thing that comes to my mind is what about this, the tuition is paid for either by the taxpayer or by the student or the student's family; there is no free lunch, right?"

"So the tuition has been paid for, for all these years by families who have not been . . ."

President Cherberg: "Senator Clarke."

Senator Clarke: "Prior order. If he wants to ask a question I would appreciate it if he would ask the question instead of making a speech."

Senator Lysen: "The question I was trying to get at, it appears to me we are switching the subsidy onto the family who has not yet had their children in school, and who have in turn, been subsidizing myself and all of us that have gone to school. Would that be a fair interpretation of this?"

Senator Goltz: "Senator Lysen, I think I should have had the benefit of a speech. I think, Senator Lysen, it is somewhat correct to say that families that have been paying tuition at a 25% rate have been paying in anticipation that when their children go to college, they will also be paying a 25% rate, plus their taxes.

"In some respects this is changing the rule in the middle of the game.

"Now I do not think anyone denies that inflation and rising costs really require a fee increase. Senator Charnley's bill is a fee increase, it is a substantial fee increase. But it does not change the ground rules that we have been operating under for a number of years, and I do support the Charnley amendment."

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Charnley moved adoption of the following amendment:

On page 3, line 2, after "students))" and before "of the" strike "one-fourth" and insert "twenty percent"

Debate ensued.

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Charnley moved adoption of the following amendment:

On page 3, line 7, after "students))" and before "percent of" strike "twenty-three" and insert "eighteen"

Debate ensued.

PERSONAL PRIVILEGE

Senator Talley: "All I can say to you, Senator Scott, from the community college student, please don't do us any more favors."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

Senators Clarke, Fuller and Quigg demanded the previous question.

Senator Charnley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Absent or not voting: Senator Hughes—1.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

MOTION

On motion of Senator Ridder, Senator Hughes was excused.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Hughes—1.

Senator Charnley moved adoption of the following amendment:

Beginning on page 4, line 28, strike sections 6, 7 and 8 and insert the following:

"Sec. 6. Section 3, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.201 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the ((+1977-78)) 1981-82 academic year the total of general tuition and operating fees shall be ((five)) seven hundred and ((forty-three)) twenty-nine dollars, and for the ((+1978-79)) 1982-1983 academic year, and thereafter, the total of general tuition and operating fees shall be ((five)) seven hundred and ((seventy)) eighty dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and ((seventeen)) twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the ((+1977-78)) 1981-82 academic year the total of general tuition and operating fees shall be ((six)) eight hundred and ((twenty-four)) seventy-five dollars, and for the ((+1978-79)) 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((six)) nine hundred and ((fifty-four)) thirty-six dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and ((seventeen)) twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the ((+1977-78)) 1981-82 academic year the total of general tuition and operating fees shall be ((eight)) one thousand one hundred and ((fifty-eight)) sixty-four dollars, and for the ((+1978-79)) 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((nine)) one thousand two hundred and ((twelve)) ninety-eight dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and ((thirty-three)) forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, for ((each academic year of the 1977-79 biennium)) the 1981-82 academic year the total of general tuition and operating fees shall be two thousand nine hundred and ten dollars, and for the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((two)) three thousand ((two)) one hundred and ((seventy-seven)) seventeen dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and ((forty-five)) fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for ~~((each academic year of the 1977-79 biennium))~~ the 1981-82 academic year the total of general tuition and operating fees shall be three thousand four hundred and sixty-five dollars, and for the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((two)) three thousand ((six)) seven hundred and ((nineteen)) forty-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and ((forty-five)) fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for ~~((each academic year of the 1977-79 biennium))~~ the 1981-82 academic year the total of general tuition and operating fees shall be four thousand six hundred and fifty-six dollars, and for the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((three)) four thousand ((six)) nine hundred and ((forty-two)) ninety-two dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be five hundred and ((forty-three)) fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each academic year shall not exceed one hundred and ~~((seventeen))~~ twenty dollars.

Sec. 7. Section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, for the ~~((1977-78))~~ 1981-82 academic year the total of general tuition and operating fees shall be ((four)) five hundred and ((twenty-nine)) sixty-eight dollars, and for the ((1978-79)) 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((four)) six hundred and ((fifty-six)) five dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be ((seventy-five)) seventy-eight dollars.

(2) For full time resident graduate students, for the ~~((1977-78))~~ 1981-82 academic year the total of general tuition and operating fees shall be ((four)) six hundred and ((eighty-nine)) seventy-five dollars, and for the ((1978-79)) 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((five)) seven hundred and ((twenty-two)) twenty-six dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be ((seventy-five)) seventy-eight dollars.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, for ~~((each academic year of the 1977-79 biennium))~~ the 1981-82 academic year the total of general tuition and operating fees shall be two thousand seven hundred and twenty-five dollars, and for the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ((one)) three thousand ((eight hundred)) and ((twenty-one)) twenty-six dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be two hundred and ((eighty-eight)) ninety-seven dollars.

(4) For full time nonresident graduate students, for ~~((each academic year of the 1977-79 biennium))~~ the 1981-82 academic year the total of general tuition and operating fees shall be three thousand two hundred and forty-seven dollars, and for

the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ~~((two))~~ three thousand six hundred and ~~((ninety-four))~~ thirty-one dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be two hundred and ~~((eighty-eight))~~ ninety-seven dollars.

(5) The boards of trustees of each of the state colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each academic year shall not exceed one hundred and ~~((sixty-two))~~ sixty-eight dollars.

Sec. 8. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, for the ~~((1977-78))~~ 1981-81 academic year the total of general tuition and operating fees shall be ~~((two))~~ three hundred and ~~((forty))~~ thirty dollars, and for the ~~((1978-79))~~ 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be ~~((two))~~ three hundred and ~~((fifty-five))~~ fifty-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and ~~((twenty-four))~~ twenty-seven dollars and fifty cents.

(2) For full time nonresident students, for ~~((each academic year of the 1977-79 biennium))~~ the 1981-82 academic year the total of general tuition and operating fees shall be one thousand seven hundred and sixty-seven dollars, and for the 1982-83 academic year, and thereafter, the total of general tuition and operating fees shall be one thousand ~~((one))~~ nine hundred and ~~((thirty-seven))~~ seventy-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be ~~((three))~~ four hundred and ~~((ninety-four))~~ three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each academic year shall not exceed ~~((fifty-one))~~ fifty-two dollars and fifty cents.

(4) Tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ~~((part-time students;))~~ ungraded courses, community service courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education."

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee,

McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Hughes—1.

MOTION

On motion of Senator Charnley, an amendment to page 10, striking section 11 on the desk of the Secretary of the Senate was withdrawn.

MOTIONS

On motion of Senator Goltz, an amendment to page 10, line 16 by Senators Goltz and Patterson on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Benitz, the rules were suspended, Substitute Senate Bill No. 4090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Scott, isn't it true that there is about 12.2 million of tuition fees going into current expense?"

Senator Scott: "That is true, but you will find that of the total amount of money raised by tuition, the amount of money going back into higher education in this budget, is higher than it has ever been before in any budget."

POINT OF INQUIRY

Senator Hughes: "Senator Scott, you made the statement that you felt that enough revenue would be generated through the student loan program that, in effect, anybody who needed money in order to attend an institution of higher education, would have that. Is that your position, that there will be no student in the state of Washington denied access to higher education because of the dramatic increases in fees?"

Senator Scott: "As I indicated earlier, I worked with the CPE's chief financial officer and expert Denis Curry, and with Carl Donovan of the Student Guarantee Association to develop these figures. And they assured me that was the case.

"I said to them at the time, 'If another \$5,000,000 of the increase has to be plowed back into the student fund to assure that any student that needs a loan will be able to get one, they will be in combination with Federal and private monies available at the institution, an adequate amount available for students, let us do it.' And I was assured, after looking at the statistics, that the loan fund that has been created, together with the compounding effect in attracting Federal loan monies and grant-in-aid monies, was adequate for that purpose."

Senator Hughes: "Just one quick follow-up, Senator. Many of us on this side of the aisle feel that one of the problems with the Republican budget has been the assumptions of Federal dollars that we believe will not be available, and should the worst of all worlds come about and we have to be back here next fall for a special session, I hope that you will be one of those providing leadership on that increase funding should we need it because of lack of Federal funds and underestimation on the number of students who will be denied access to institutions of higher education."

Senator Scott: "Senator Hughes, you can count on it."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4090, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

SUBSTITUTE SENATE BILL NO. 4090, 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

At 4:20 p.m., on motion of Senator Clarke, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 7:50 p.m.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Concurrent Resolution No. 23.

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 23, by Representative Nelson (G):

Extending certain cut-off dates for 47th legislature.

The resolution was read the third time and placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 23.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 23.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 23, and the resolution passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

HOUSE CONCURRENT RESOLUTION NO. 23, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3929.

SECOND READING

SENATE BILL NO. 3929, by Senators Scott and Hansen:

Implementing law relating to rules and regulations governing vocational-technical institutes.

MOTIONS

On motion of Senator Benitz, Substitute Senate Bill No. 3929 was substituted for Senate Bill No. 3929 and the substitute bill was placed on second reading and read the second time in full.

Senator Wojahn moved the following amendments be considered and adopted simultaneously:

On page 1, line 16, after the stricken material, insert "and for vocational-technical institutes"

On page 1, line 22, after "combined" insert "minus any cost associated with educational programs for high school credit students or handicapped students"

On motion of Senator Shinpoch, the question was divided.

The President declared the question before the Senate to be the amendment by Senator Wojahn to page 1, line 16.

The motion by Senator Wojahn carried and the amendment was adopted.

Senator Wojahn moved adoption of the amendment to page 1, line 22.

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute Senate Bill No. 3929, as amended by Senator Wojahn to page 1, line 16, together with the pending amendment by Senator Wojahn, was ordered held for later consideration.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 302, by House Committee on State Government (originally sponsored by Representatives Garson, Addison, McGinnis, Walk, Hankins, Kreidler, Rust and Johnson):

Creating a state personnel appeals board.

The Senate resumed consideration from April 14, 1981 of Substitute House Bill No. 302 on third reading.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 302.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 302, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Moore, Pullen, Wilson—3.

SUBSTITUTE HOUSE BILL NO. 302, 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.

There being no objection, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 374, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson, Garrett, Erickson and McGinnis):

Modifying procedures governing annexation.

The Senate resumed consideration of Substitute House Bill No. 374 as amended on April 14, 1981. At that time an amendment by the Committee on Local Government to page 1, line 32 was adopted. A committee amendment to page 8, line 16 had been moved for adoption by Senator Zimmerman. A Point of Order was raised by Senator McDermott on that amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator McDermott, the President finds that Substitute House Bill No. 374 is a measure which deals in one of its sections with the annexation of fire districts by cities or towns.

"The amendment proposed by the Senate Committee on Local Government deals with the distinct subject of the annexation by fire districts of contiguous property.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by the Committee on Local Government was ruled out of order.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Talmadge:

On page 2, beginning on line 12, strike all of section 2. Renumber the following section accordingly.

POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, I am still shortsighted and I have to look through my nearsighted glasses. As I read the amendment that was adopted by the committee, only section 2 applies to cities over 40,000, 400,000; and my question is, there is another section in this bill that is of vital importance to rural areas, and that is the fire protection district.

"Do you interpret that amendment as negating the section that provides for the fire protection districts to have the right to have a city pay for the cost of the area included in the annexation?"

Senator Hemstad: "No."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, maybe I am missing something here, Senator Talmadge, but it seems to me, as I recall it in the annexations that we have had, that the owner of 75% of the property could petition the city for annexation and by the same reason, the owner would be able to reject that. And we have just recently had a ULID that when the case was brought, and I think it is similar to what you were talking about, about people, that the contention at that time when the suit was, that the people, renters and so forth, in the area, did not have the opportunity to vote. And it was only the property owners. So that it was defective. But the court found otherwise.

"Now is it true that 75% of the people, may, in any area petitioned be annexed to the city?"

Senator Talmadge: "Senator, I looked at the annexation statute as it now exists and I do not recall having seen anything that allows a situation like this where someone can veto the annexation petition by virtue of being an owner of 75% of the property in the area affected."

Senator Rasmussen: "Most of the fear, Senator Talmadge and members of the Senate, of course, is that the city is going to swallow you up, willy-nilly, and you are going to have to pay city taxes which most people hate to do. We have the same problem in the Lakewood area, you have the same problem out in Federal Way, that they do not want to be annexed, they maybe want their own city, but they certainly do not desire annexation. So I think all the protection you can put in there against annexation against their will, is good."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Clarke, if I were to agree with you on your premise that equity is all, and it would be absurd not to adopt this, can you tell me where the logic of dividing at 400,000 population is? Why would it not make sense for a city of 40,000 to have the same restriction? Why should it be limited to one city in our state?"

Senator Clarke: "My comments were not with respect to the limitation, it was respect to the desirability of the enactment. Now if you would prefer to propose an amendment that it would apply to all areas, I might be willing to support it."

Senator Ridder: "I think that was proposed last night, Senator Clarke, and from my copy of the roll call, you voted to maintain it at one single city in the state of 400,000."

Senator Clarke: "The reason, if that is correct and I am not disputing that it may not be, the reason for it was that I thought that the bill was desirable and that in the event scope was enlarged, it might well result in people who were not involved in this particular bill, to suddenly come to the realization that without having an opportunity to be present or testify in committee meetings, suddenly they were stuck with the situation which they might not like.

"There are many reasons why you vote against an amendment that comes up without having received mature consideration."

Senator Ridder: "I am afraid I did not make myself clear, Senator Clarke. That vote, your vote was an affirmative one for the committee amendment which was put on; there had been testimony and it was adopted in committee and you did vote for that.

"I am afraid I still do not see the logic of why it should be one city and if indeed it is equity, I would say it should be equity for all."

Senator Clarke: "Senator, I am arguing in response to the two presentations which would have, in effect, amended out the requirement that I think is desirable."

Further debate ensued.

Senator Wilson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Hemstad and Talmadge to page 2, line 12.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 32; absent or not voting, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Goltz, Gould, Hemstad, Hughes, Lee, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—16.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, Vognil, von Reichbauer, Woody, Zimmerman—32.

Absent or not voting: Senator Scott—1.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved the Senate reconsider the vote by which the committee amendment to page 1, line 23 was adopted.

POINT OF ORDER

Senator Newhouse: "My point of order is that there may well have been action taken in consequence of the amendment, the motion to strike section 2, the amendment which Senator Bottiger refers to is now a part of section 2."

RULING BY THE PRESIDENT

President Cherberg: "The roll call on the amendment referred to by Senator Bottiger indicates that Senator Bottiger voted upon the prevailing side. Rule 37 says that 'Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.' Senator Bottiger's motion is in order."

REMARK BY SENATOR NEWHOUSE

Senator Newhouse: "May I cite Reed's Rule 204: 'A motion to reconsider is not in order after action has been had by the assembly in consequence of the decision proposed to be reconsidered.'"

REPLY BY THE PRESIDENT

President Cherberg: "Reed's Rule does not apply where a Senate rule applies, Senator Newhouse."

Further debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Fleming: "Senator Zimmerman, you indicated that there was lots of testimony on this measure against leaving it state-wide and for the descriptive amendment. To your recollection do you know how much opposition and who is that

opposition from and what were the reasons they gave, other than the fact that they did not want to be a part of it?

"And secondly, whether some felt as though if it did not attract this amendment, that the bill might die?"

Senator Zimmerman: "There were about twenty-five to thirty people that testified on the bill."

Senator Fleming: "From the local community?"

Senator Zimmerman: "Yes, I would say about half of them were from the south Seattle area down in that general area. I have their names and addresses here who testified.

"And then there were persons who came from other parts of the state that testified that they did not like the bill in any way, but they certainly did not want it to apply to their particular area. There are people who did not like the bill but there are also people who did not like it, they would prefer it not apply to them. And that is what I am saying, I am checking some of the mouse of the country mice I guess what I am saying. And I apologize to Senator Ridder, I am not trying to, I assume that delays are, that is another matter, we won't talk about that. Accept my apologies."

POINT OF INQUIRY

Senator Williams: "Senator Bottiger, the purpose of reconsideration as I understand it, is to then consider an amendment which would make the bill that we are looking at, be applicable to the whole state and not just one section or one population area, is that correct?"

Senator Bottiger: "Senator Williams, the motion to reconsider the vote by which the committee amendment was adopted, the committee amendment restricts it to a single, for all practical purposes, a single city. I did not realize the import of this bill until we got into it, but if we take off the committee amendment, then it will apply to—in Senator Haley's area, the industrial development that is just outside the city of Tacoma that is currently servicing his fire district; down in the town of Roy, I am thinking of Yelm, I am thinking of a whole series of places that would be then subject to the same restrictions, percentages as would apply to the city of Seattle.

"So what I am suggesting, you know I can look around the audience and see people and just visualize the, right outside the city industrial park, which probably should be in the city. And what we would then be doing is applying the same test to each of us as now is only being applied to a few of us."

Senator Williams: "If I may continue. The point I was trying to get at was, we classify cities by different classes and they have populations that match those classifications. And usually, then, when we write legislation and apply that legislation to certain classes, there is a relationship to that class of cities.

"I am wondering, does this particular issue have any sort of relationship to the size of the city or class of cities? It seems to me that it does not."

Senator Bottiger: "Senator Williams, I agree with you. As I read this bill, now my interest was in the fire district sections, because it was a big city problem, I wasn't too interested in the other part of the bill; but as I began to hear the debate and find out what was going on. . . ."

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate reconsider the vote by which the committee amendment to page 2, line 32 was adopted.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Goltz, Gould, Hemstad, Hughes, Lee, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—21.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Woody, Zimmerman—28.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad and Talmadge:

On page 7, line 23, strike section 10 and renumber the following sections accordingly.

POINT OF ORDER

Senator Newhouse: "It appears to me that we should first address the striking of a subsection before we start the whole section."

RULING BY THE PRESIDENT

President Cherberg: "Senator Newhouse's point of order is well taken."

There being no objection, the amendment by Senators Hemstad and Talmadge was not considered.

Senator Wilson moved adoption of the following amendment:

On page 8, line 8, strike all of subsection (1).

Debate ensued.

Senator Wilson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wilson.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Lee, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Hansen, Hayner, Jones, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Woody, Zimmerman—30.

On motion of Senator Pullen, the following amendment was adopted:

On page 8, after line 16, add a new section as follows:

"**NEW SECTION.** Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 374, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 374, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hurley, Jones, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, von Reichbauer, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Charnley, Fleming, Goltz, Gould, Hemstad, Hughes, Lee, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson—14.

SUBSTITUTE HOUSE BILL NO. 374, 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.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3929, by Committee on Higher Education (originally sponsored by Senators Scott and Hansen):

Implementing law relating to rules and regulations governing vocational-technical institutes.

The Senate resumed consideration of Substitute Senate Bill No. 3929 from earlier today. An amendment by Senator Wojahn to page 1, line 16 was adopted at that time. Senator Wojahn had moved adoption of the following amendment:

On page 1, line 22, after "combined" insert "minus any cost associated with educational programs for high school credit students or handicapped students"

Debate ensued.

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PERSONAL PRIVILEGE

Senator Jones: "This is a happy occasion for Bill and Claire Fuller, and Claire is on the podium there with the Lieutenant Governor. This is their third anniversary; they have eight children and fourteen grandchildren. They decided, I guess Bill decided to make an honest woman of her three years ago.

"In any event, that dynamic duo of Sue Gould and Margaret Hurley are going to lead us in 'happy anniversary to Bill and Claire.'

"We have a cake and ice water in my office for those who would like to share a little bit of the spirit of this occasion. And my office is full right now, but . . ."

PERSONAL PRIVILEGE

Senator McDermott: "Mr. President, I think this is very poor practice. We are working here for the third night in a row at this hour of the night. We have party atmosphere here, 'let's go in the office and have ice water and cake,' and I think it is

very bad. You are dealing with enormously important issues late at night; you have done this night after night after night, and now you make a joke out of it.

"As far as I am concerned this is very bad. It makes all of us look bad. The people of the state give us their trust; they don't send us down here to have parties in the middle of the night on the floor."

PERSONAL PRIVILEGE

Senator Fuller: "I appreciate Senator Rasmussen's good wishes. The number was 14, not 24."

The Senate resumed consideration of Substitute Senate Bill No. 3929, as amended.

On motion of Senator Benitz, the following amendment was adopted:

On page 1, line 21 after "the insert "average"

On motion of Senator Benitz, the following amendment was adopted:

On page 1, line 22 after "combined;" strike everything down to and including "institute." on line 27 and insert "PROVIDED, That students under the age of twenty-one years who are regularly enrolled for the purpose of obtaining a high school diploma be exempt from the payment of such fees."

Senator Goltz moved adoption of the following amendment:

Beginning on page 1, strike all of section 1 and insert the following:

"Section 1. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28C.04.230 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 and ((28B.50.770)) vocational-technical institutes. Such rules and regulations shall:

(1) Require school districts that operate vocational-technical institutes in cooperation with each other to charge adult students enrolled therein such operating fees for this biennium that equal the present systemwide average operating fees charged to adult students plus thirty-three percent: PROVIDED, That students who are regularly enrolled for the purpose of obtaining a high school diploma shall be exempt from the payment of such fees.

(2) Authorize school districts that operate vocational-technical institutes to waive the operating fees for any full-time student who qualifies as a "needy student" as defined in RCW 28B.10.802; PROVIDED, That the total amount of such waivers shall not exceed an amount equal to four percent of what would have been the total of operating fees collections had no such waivers been granted."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Benitz, if you say this only goes halfway, I would like to ask you, what is the fee rate that a vocational technical institute student will pay next year in the state of Washington?"

Senator Benitz: "Very close to the figures you just quoted."

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Lee, within Senator Haley's and my district are two educational units, the Clover Park Vocational Technical Institute and Fort

Steilacoom Community College. They both offer a course in legal secretary classes and anybody is eligible to enter it.

"Now do you think that the course at Fort Steilacoom, which is a two-year course which involves the swimming pool, the basketball team and everything else, do you think the fees for that course should be the same as Clover Park which is an evening part-time course and has none of the extracurricular activities?"

Senator Lee: "Okay, well one of the things you were talking about when you were talking about these differences in fees, was not the total amount the student was paying but only that part which was the operating portions of, what goes into the community colleges.

"And we are talking about the total amount of fee because those that are going to community colleges are not only paying for a portion of the operating cost but they are paying the other two sections of what is normally called 'tuition;' so those who are going to community colleges, are going to Fort Steilacoom, are going to have to put more money out of their pocket than those who are going to Clover Park."

Senator Bottiger: "I presume, then, your answer to the question is that, 'No, the fees, the general fees should not be the same.'"

Senator Lee: "At the community college, they are charged a student activity fee in addition to tuition. We are not proposing that for vocational technical institute so if a person goes to community college, they are going to have to pay more."

Senator Bottiger: "And I presume also that the fact that they get college credit and can transfer those to schools of higher education would weigh in your decision as to whether the basic fee should be the same?"

Senator Lee: "What I am saying is, at community colleges where they are receiving more services, they are paying additional for those services."

Senator Bottiger: "Well, Senator, what we are trying to do here and I thought I was, was trying to differentiate out the extra fees and get down to the basic fee and then I was going to point out to you that unless you adopt these amendments, that young lady who enters the legal secretary course at Fort Steilacoom is going to be paying almost exactly the same for college credit courses as her counterpart is going part-time at a voc-tech school, not a half a mile away, is paying for the voc-tech legal secretary course.

"And then my ultimate question, I might as well forewarn you, is that, if you were me, which one would you hire, the one that went through the two-year course with all the college credits and all the extras, or the young lady that went evenings at Clover Park? And if you answer equally, then why should one pay so much more than another?"

Senator Lee: "We are talking about two different things. You are talking about a particular fee that is charged for the instructional part of a program; I am talking about the checks the person has to write to get into that school, and the checks the person has to write to get into the community college is considerably higher because of the other fees."

Further debate ensued.

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Goltz moved adoption of the following amendment:

On page 2, line 28, strike "1981" and insert "1983"

Debate ensued.

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

There being no objection, on motion of Senator Goltz, an amendment striking all of section 1 was withdrawn.

Senator Benitz moved the rules be suspended, Engrossed Substitute Senate Bill No. 3929 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Shinpoch demanded a roll call.

There being no objection, on motion of Senator Benitz, the motion to advance Engrossed Substitute Senate Bill No. 3929 was withdrawn.

Engrossed Substitute Senate Bill No. 3929 was passed to the Committee on Rules for third reading.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 667, by House Committee on Education (originally sponsored by House Committee on Education and Representatives Nelson (G.) and Sommers):

Modifying provisions relating to school districts.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 667, modifying provisions relating to school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) (~~For excess levies in 1977 for collection in 1979; for excess levies in 1978 for collection in 1979; for excess levies in 1978 for collection in 1980; and for excess levies in 1979 for collection in 1980, the sum of:~~

(a) ~~That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus~~

(b) ~~That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year.~~

(~~2~~)) For excess levies in 1979 for collection in 1981, for excess levies in 1980 for collection in 1981 and thereafter, the sum of:

(a) That amount equal to (~~ten~~) fifteen percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year; plus

(c) That amount equal to (~~ten~~) fifteen percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs.

(~~3~~)) (2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(~~4~~)) (3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52-.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(~~5~~)) (4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection(~~s~~) (1) (~~and~~-~~2~~)) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program

provided for in chapter 28A.44 RCW or in any other program pursuant to an inter-district agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district which is qualified to exceed the maximum dollar amount permitted under subsection (1) of this section during calendar year 1982 is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1983 through 1987 as follows:

(a) The dollar amount of levy qualification for taxes to be collected in 1983 shall be the same as the maximum qualification for 1982.

(b) For every district which qualifies to exceed the limitations in subsection (1) of this section during calendar year 1982, a "base year levy percentage" shall be established. This levy percentage shall be equal to the percent a district's levy qualification during calendar year 1982 is of the prior 1980-81 school fiscal year's basic education allocation and state allocation for categorical programs.

(c) The base year levy percentage shall be reduced in even increments beginning in calendar year 1984. The incremental reduction shall equal one-seventh of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(d) For excess levies to be collected in calendar year 1990, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1990.

(6) For the purpose of subsection((s)) (1) ((and(2))) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections: PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed ((one hundred and four percent for levies to be collected in 1979; and)) one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full time equivalent student: PROVIDED FURTHER, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.

(7) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section."

Signed by: Senators Kiskaddon, Chairman; Bottiger, Gaspard, Hemstad, Talmadge, Wojahn.

The bill was read the second time by sections.

Senator Kiskaddon moved adoption of the committee amendment.

Senator Charnley moved adoption of the following amendment by Senators Charnley, Bauer and Conner to the committee amendment and that the two amendments be considered and adopted simultaneously:

On page 2, line 6, strike "fifteen" and insert "ten"

On page 2, line 17, strike "fifteen" and insert "ten"

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Charnley, Bauer and Conner to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 34; nays, 14; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Wilson, Woody, Zimmerman—34.

Voting nay: Senators Clarke, Fleming, Gould, Haley, Hemstad, Kiskaddon, McDermott, Patterson, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn—14.

Absent or not voting: Senator Moore—1.

Senator Shipoch moved the following amendments by Senators Shipoch and Jones to the committee amendment be considered and adopted simultaneously:

On page 5, line 18, after "through" strike "1987" and insert "1986"

On page 6, line 1, after "equal" strike "one-seventh" and insert "one-third"

On page 6, lines 7 and 15, after "year" strike "1990" and insert "1986"

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, the charge has, going out in 1990, goes down to 15% rather than to 10% that you mentioned. Is that . . .?"

Senator Bottiger: "Senator, we turned down the 15%, we just did that. So now we are at 10%."

Senator Guess: "Well, which line would that be, then?"

Senator Bottiger: "Well, if you will draw a line from 20% to 1990 at 10% at the bottom, you will cross straight across. If you do not adopt this amendment, you adopt the committee position, if I can just hold it up; and you adopt the committee position, you will phase it out on that straight line period."

Senator Guess: "All right, now. You intimated, but you didn't quite say it, maybe I was trying to listen; I am trying to make up my mind because I have got some 'biggies' and I have got some 'littlies' and what is this going to do to the 'littlie' districts? The little ones."

Senator Bottiger: "Well, each district is different, Senator. It does not make any difference whether they are big or little, the question would be, 'What is their current position in respect to the grandfather clause?'"

"Looking at your area, I would presume, and I do not know what your school districts are, but I know your fire district, if you would take the valley, that is the high assessed valuation area, I would presume that they are above the level, they would be up in the assessed valuation per levy area, and you would phase them down slower than, I would imagine, downtown Spokane, the Spokane school district.

"If you go out into the suburbia areas where they have very low assessed valuation, they are probably not on this chart to begin with."

Senator Guess: "Okay, thank you very much."

Further debate ensued.

Senator Hayner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Shinpoch and Jones to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Benitz, Bluechel, Conner, Craswell, Deccio, Fuller, Gallagher, Guess, Hansen, Hayner, Jones, Lee, McCaslin, Newhouse, Peterson, Pullen, Rasmussen, Shinpoch, Wilson, Woody—20.

Voting nay: Senators Bauer, Bottiger, Charnley, Clarke, Fleming, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Patterson, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman—29.

The motion by Senator Kiskaddon carried and the committee amendment, as amended, was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 667, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 667, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Fuller, Pullen—2.

SUBSTITUTE HOUSE BILL NO. 667, 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.

SECOND READING

HOUSE BILL NO. 161, by Representative Erickson:

Revising laws relating to television improvement districts.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, House Bill No. 161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, is there anything in this bill that would allow these TV districts to establish like a joint operating agency or something?"

Senator Bottiger: "Absolutely not."

Senator Quigg: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 161, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Zimmerman—43.

Voting nay: Senators Craswell, Deccio, McCaslin, Metcalf, von Reichbauer, Woody—6.

HOUSE BILL NO. 161, 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

At 11:30 p.m., on motion of Senator Fleming, the Senate adjourned until 10:30 a.m., Thursday, April 16, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 16, 1981.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Peterson.

The Color Guard, consisting of Pages Joe Von Volkli and Melony Tierney, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 15, 1981.

SENATE BILL NO. 3843, adopting the capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3843 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Fleming, Gaspard, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 15, 1981.

SENATE BILL NO. 4283, modifying motor vehicle fuel tax provisions (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 4283 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Patterson, Vice Chairman; Sellar, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Metcalf.

MINORITY recommendation: Do not pass.

Signed by: Senators Charnley, Lysen, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 31, revising workers' compensation laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Bauer, Hughes, McDermott, Pullen, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 40, exempting small local governments from the Public Disclosure Act (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

Passed to Committee on Rules for second reading.

April 15, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 74, extending expiration date of governor's powers relating to energy shortages (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Woody.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 149, providing for the right to medical treatment of a fetus born alive during an abortion (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 226, insuring the informed consent of a woman having an abortion (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235, providing for correctional reform (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, McCaslin, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 243, modifying the transitional bilingual instruction act (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Kiskaddon, Chairman; Craswell, Hemstad, Lee, Scott.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 274, modifying licensing procedures for practical nurses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 353, enacting laws relating to mental health services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

April 6, 1981.

HOUSE BILL NO. 385, enacting the Regulatory Fairness Act (reported by Committee on Commerce and Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Quigg, Chairman; Jones, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

April 15, 1981.

HOUSE BILL NO. 410, modifying provisions relating to county alcoholism and drug abuse programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 412, modifying the financial responsibility provisions for mental illness commitment (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

HOUSE BILL NO. 497, clarifying laws on state residential schools (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 525, establishing procedures for collection of public assistance overpayments (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Deccio, Chairman; McCaslin, Metcalf, Moore, Rasmussen.

Passed to Committee on Rules for second reading.

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 570, revising laws on interest on life insurance loans (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

Passed to Committee on Rules for second reading.

April 15, 1981.

HOUSE BILL NO. 594, permitting brief road closures by posting only (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Charnley, Guess, Hansen, Kiskaddon, Metcalf, Peterson, Talley, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 15, 1981.

ROBERT F. PHILIP, to the position of Member of the Board of Regents University of Washington, appointed by the Governor on February 27, 1981 for the term ending September 30, 1986, succeeding Ms. Elisabeth Carey Miller (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson.

Passed to Committee on Rules.

April 15, 1981.

G. W. BURCHIM, D.C., to the position of Member of the Board of Trustees, Lower Columbia Community College District Number 13, appointed by the Governor on March 10, 1981 for the term ending September 30, 1985, succeeding himself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott.

Passed to Committee on Rules.

April 15, 1981.

RENE REMUND, to the position of Member of the Board of Trustees of Centralia/OTCC, District Number 12, appointed by the Governor on March 10, 1981 for the term ending September 30, 1985, succeeding William G. Keller (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson.

Passed to Committee on Rules.

April 15, 1981.

INA V. KNUTSEN, to the position of Member of the Board of Trustees, Shoreline Community College District Number 7, appointed by the Governor on March 10, 1981 for the term ending September 30, 1985, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

April 15, 1981.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 21,
 SUBSTITUTE HOUSE BILL NO. 277,
 SUBSTITUTE HOUSE BILL NO. 581, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 15, 1981.

Mr. President: The House has passed:
 SENATE BILL NO. 3042,
 SUBSTITUTE SENATE BILL NO. 3205,
 SUBSTITUTE SENATE BILL NO. 3320,

SENATE BILL NO. 3327,
 SENATE BILL NO. 3632,
 ENGROSSED SENATE BILL NO. 3903, and the same are herewith
 transmitted.

VITO T. CHIECHI, Chief Clerk.

April 15, 1981.

Mr. President: The House has concurred in the Senate amendments to SUB-
 STITUTE HOUSE BILL NO. 88, and passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 15, 1981.

Mr. President: The House has passed:

SENATE BILL NO. 3062,
 SUBSTITUTE SENATE BILL NO. 3064,
 SENATE BILL NO. 3065,
 SENATE BILL NO. 3140,
 SENATE BILL NO. 3207,
 SENATE BILL NO. 3208,
 SENATE BILL NO. 3303,
 SENATE BILL NO. 4080,

ENGROSSED SENATE JOINT RESOLUTION NO. 107, and the same are
 herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 15, 1981.

Mr. President: The House has adopted ENGROSSED SUBSTITUTE HOUSE
 CONCURRENT RESOLUTION NO. 20, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 15, 1981.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 78,

ENGROSSED HOUSE BILL NO. 342, and the same are herewith
 transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of
 Engrossed House Bill No. 171.

SECOND READING

ENGROSSED HOUSE BILL NO. 171, by House Committee on Local Gov-
 ernment and Representative Isaacson:

Limiting electrical inspection fees.

The bill was read the second time by sections.

Senator Williams moved adoption of the following amendment by Senators
 Williams, Gould, Bottiger and McDermott:

On page 1, line 13, after the enacting clause insert:

"Section 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by
 section 1, chapter 8, Laws of 1980 and RCW 19.27.030 are each amended to read
 as follows:

There shall be in effect in all cities, towns and counties of the state a state
 building code which shall consist of the following codes which are hereby adopted by
 reference:

(1) Uniform Building Code and Related Standards, ((1976)) 1979 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, ((1976)) 1979 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, ((1976)) 1979 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code, ((1976)) 1979 edition, with 1980 amendments published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters;

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) ~~((The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300:))~~ The rules adopted by the state building code advisory council establishing energy-efficient thermal and lighting standards for commercial and residential buildings under RCW 19.27.075.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section ((420:35)) 420.7. Such code shall take into account regional climatic conditions; shall prohibit the installation of ureaformaldehyde based foam insulation in any residential structure within the state whether such structure is new or otherwise; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule.

NEW SECTION. Sec. 3. the following acts or parts of acts are each repealed:

(1) Sections 1 through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27-.200 through 19.27.290;

(2) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;

(3) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and

(4) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I question scope and object on that amendment.

"Well, Mr. President, the bill is a simple little bill to regulate the amount of fees that are charged for inspection, and the amendment that is being put on attempts to regulate all, control over all building operations, and while it might be very meritorious, it certainly has enough weight that it could sink this little bill. It does not fit at all as far as scope and object are concerned."

MOTIONS

On motion of Senator Bottiger, Engrossed House Bill No. 171, together with the pending amendment by Senators Williams, Gould, Bottiger and McDermott and the Point of Order raised by Senator Rasmussen, was ordered held pending a Ruling by the President.

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 264.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 264, by House Committee on Labor and Economic Development (originally sponsored by Representatives Struthers, King (J.), Warnke, Barrett, Dawson, King (R.), Bickham, Isaacson, Eberle, Winsley, Martinis, Lane, McCormick, Hastings, Ellis, Sanders, Grimm and Bond):

Restricting imposition of rent control by counties, cities and towns.

The bill was read the second time by sections.

Senator Vognild moved the following amendments be considered and adopted simultaneously:

On page 1, line 6, after "rent" insert "of newly constructed residential property"

On line 9, after "for" insert "newly constructed"

On line 20, after "rent" insert "of newly constructed residential property"

On line 23, after "for" insert "newly constructed"

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, as I read that amendment, it would say that only new construction residential property is excluded from rent control and all other property may be under rent control. Now maybe I am reading that wrong."

Senator Vognild: "No, Senator Rasmussen, you are reading it correct. What I felt was the preponderance of the testimony received before the committee in support of this bill, was that newly constructed residential property was being suppressed by the threat of local rent control, and I tried to address that."

The motion by Senator Vognild failed and the amendments were not adopted.

Senator Vognild moved adoption of the following amendment.

On page 1, line 14, after "housing" insert ", unless such ordinance or other provision has been approved by the voters of the city or town"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Vognild.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; absent or not voting, 2.

Voting yea: Senators Bauer, Bottiger, Fleming, Goltz, Gould, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—27.

Absent or not voting: Senators Charnley, Peterson—2.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 1, line 15, after "not" insert "apply to mobile homes or mobile home sites and shall not"

On page 2, line 1, after "not" insert "apply to mobile homes or mobile home sites and shall not"

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Deccio—1.

There being no objection, on motion of Senator Vognild, an amendment to page 1, line 28 on the desk of the Secretary of the Senate was withdrawn.

Senator Hemstad moved adoption of the following amendment by Senators Hemstad, Scott, Talmadge and Moore:

On page 2, after line 3, insert a new section as follows:

"NEW SECTION. Sec. 3. Nothing in this act shall be construed to preempt local ordinances that relate to the control of rents or other relationships at floating home moorage sites."

Renumber remaining section accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Mr. President and members of the Senate, I guess I now have seen everything because Senator Rasmussen now has put on another hat. When Senator Rasmussen was mayor of Tacoma he was very, very, very supportive of local control, local ordinance should preempt state law. Now he is speaking with his hat on as a Senator and he is saying 'No state law should preempt local control.'

"But about the first of May he is going to become a county councilman and then he is going to come back and say, 'Counties, local government should preempt state law,' and I am very confused, Senator Rasmussen. Would you like to respond to this? I am not impugning your motives, I just would like an answer."

Senator Rasmussen: "Well, Senator Wojahn, and for the rest of the Senators, if it is raining you wear one type of hat; if the sun is shining, you do not wear any."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Hemstad, Scott, Talmadge and Moore.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 30; nays, 18; absent or not voting, 1.

Voting yea: Senators Bluechel, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McDermott, Moore, Peterson, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—30.

Voting nay: Senators Bauer, Benitz, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Hayner, Jones, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar—18.

Absent or not voting: Senator Woody—1.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 264, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 264, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, von Reichbauer, Wojahn, Woody, Zimmerman—32.

Voting nay: Senators Bauer, Bottiger, Fleming, Goltz, Gould, Haley, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Talley, Talmadge, Vognild, Williams, Wilson—17.

SUBSTITUTE HOUSE BILL NO. 264, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 171, by House Committee on Local Government and Representative Isaacson:

Limiting electrical inspection fees.

The Senate resumed consideration of Engrossed House Bill No. 171. Earlier today an amendment by Senators Williams, Gould, Bottiger and McDermott had been moved for adoption by Senator Williams. Senator Rasmussen raised a Point of Order on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Rasmussen, the President finds that Engrossed House Bill No. 171 is a measure which limits electrical inspection fees that may be charged by cities, counties and towns.

"The amendment proposed by Senators Williams, Gould, Bottiger and McDermott allows the state to establish mandatory insulation and lighting standards.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator Williams and others was ruled out of order.

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 171 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 171, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Lee, Lysen, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Vognilid, von Reichbauer, Zimmerman—34.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Hughes, Kiskaddon, McCaslin, McDermott, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—15.

ENGROSSED HOUSE BILL NO. 171, 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

At 12:02 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

At 1:31 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 2:40 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 96.

SECOND READING

ENGROSSED HOUSE BILL NO. 96, by Representatives Martinis, Dawson, Dickie, Scott, McGinnis, Bickham, King (R.), and Struthers:

Exempting certain transactions from usury limits.

REPORT OF STANDING COMMITTEE

April 8, 1981.

ENGROSSED HOUSE BILL NO. 96, exempting certain transactions from usury limits (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike all of section 2

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment was adopted.

Senator Charnley moved adoption of the following amendment:

On page 1, line 8, after "shall" strike "not"

Debate ensued.

The motion by Senator Charnley failed and the amendment was not adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 96, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Sellar, we kind of breezed through the adoption of the committee amendment, but by the striking of section 2, is it intended that this measure be retroactive to those loans already in existence where there is no loan rate otherwise specified in the contract?"

Senator Sellar: "It is my understanding that it would not be, Senator, but I probably should check that a little bit more carefully.

"The testimony was that that was just superfluous language so I guess that it would not affect those loans."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 96, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, Wojahn, Zimmerman—30.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Wilson, Woody—17.

Absent or not voting: Senators von Reichbauer, Williams—2.

ENGROSSED HOUSE BILL NO. 96, 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 Clarke, the Senate commenced consideration of Engrossed House Bill No. 137.

SECOND READING

ENGROSSED HOUSE BILL NO. 137, by House Committee on Financial Institutions and Insurance and Representative Dawson:

Modifying laws on usury.

REPORT OF STANDING COMMITTEE

April 10, 1981.

ENGROSSED HOUSE BILL NO. 137, modifying laws on usury (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 13, after "exceeding" strike "the higher of twelve percent per annum or four" and insert "((twelve percent per annum)) six"

On page 4, line 30, strike "after May 1, 1980 and"

Signed by: Senators Sellar, Chairman; Bluechel, Clarke, Haley, Pullen.

The bill was read the second time by sections.

Senator Sellar moved adoption of the committee amendment to page 1, line 13.

Senator Pullen moved adoption of the following amendment to the committee amendment:

In the committee amendment to page 1, beginning on line 13, strike "six" and insert "five"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 26, nays, 23.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lee, Lysen, McDermott, Metcalf, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—23.

The President declared the question before the Senate to be adoption of the committee amendment as amended.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Wojahn: "If we vote against the committee amendment, Mr. President, does that mean, then, that we would then adopt the 4% that the House had in the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Wojahn."

PARLIAMENTARY INQUIRY

Senator Wojahn: "It would be 4% rather than 6?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator Wojahn: "Thank you."

The President declared the question before the Senate to be the roll call on the committee amendment to page 1, beginning on line 13 as amended.

ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

On motion of Senator Sellar, the committee amendment to page 4, line 30 was adopted.

Senator Goltz moved adoption of the following amendment:

On page 1, line 18, after "month" add ", but not to exceed 18% per annum":

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Zimmerman—27.

Senator Charnley moved adoption of the following amendment:

On page 1, line 10, strike all of section 1.

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Charnley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Absent or not voting: Senator Woody—1.

Senator Wojahn moved the following amendments by Senators Wojahn and Woody be considered and adopted simultaneously:

On page 4, line 5 after "chapter" strike "63.14" and insert "19.52"

On page 4, line 14, after "it is" and before "subject" strike "not"

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Wojahn and Woody.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Senator McDermott moved adoption of the following amendment:

On page 4, after line 18, insert:

"NEW SECTION. Sec. 8. At the end of the seventh year there is to be a canceling of all debts! Every creditor shall write "Paid in Full" on any promissory note he holds against a fellow Washingtonian, for the Lord has released everyone from his obligation."

Renumber the remaining sections accordingly.

POINT OF ORDER

Senator Shinpoch: "Mr. President, I raise the point of order on this amendment, if I may speak to it.

"Senator McDermott was quoting from the bible and I think there is a Constitutional prohibition against mixing church and state and he plagiarized almost everything except, instead of 'Fellow Washingtonians' it was 'Israelites' I think it was.

"But I think, it seems to me that there is a point of order that should be raised on this."

Debate ensued.

POINT OF ORDER

Senator Ridder: "I have another point of order, Mr. President. I think, after listening to the argument and reading the bill and everything else, this is clearly outside the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "Senator Ridder, the President said that he agreed with your remarks. The President apologizes for not saying further that the amendment does expand the scope and object of the bill."

The amendment by Senator McDermott was ruled out of order.

Senator Pullen moved adoption of the following amendment:

On page 4, line 22, after "immediately" and before the period, insert ": PROVIDED, HOWEVER, That the people's right to a petition referendum shall not be precluded by this emergency clause"

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Haley, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen,

Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—25.

On motion of Senator Pullen, the following amendment was adopted:

On page 4, line 14, after "chapter" insert "but shall be subject to the provisions of chapter 19.52 RCW"

Senator Wojahn moved adoption of the following amendment by Senators Wojahn, Charnley and Hughes:

On page 4, line 19 after "Sec. 8." strike all material down to and including "immediately." on line 22 and insert the following:

"This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the Legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with Article II, section 1 of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Renumber the remaining sections accordingly.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Wojahn, Charnley and Hughes.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; nays, 27. Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—27.

Senator Wojahn moved adoption of the following amendment by Senators Wojahn and Hurley:

On page 4, line 19, strike all of Section 8 and renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I have an article here that was written in 1979 which had to do with usury at the time it was talked about.

"Have you researched this? Can you tell us that conditions are of an emergent nature or crisis that would require an emergency?"

Senator Bottiger: "Not within the definition; I have heard no testimony from anybody within the constitutional definition of an emergency affecting public health, safety and public institutions. Now I have heard people say that they are paying higher interest rates when they borrow money from the bank than they can charge when they lend money, but they are not public institutions."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Senator Bottiger. I wanted to get that in the record because it is very important that we let the world know that there was no testimony that this was an emergency situation. Thank you."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I object to this dialogue as being accepted as any indication of legislative intent because I wish to go on record and I think the vote will indicate that the legislative intent of the majority who vote for this is directly contrary to that expressed in the dialogue we have just heard."

POINT OF ORDER

Senator Rasmussen: "I object to Senator Clarke getting up and saying that I do not have the right to ask a question. I asked a question and it was answered and I expect it to be in the record; and we did not say anything other than, as far as the testimony we have heard on the floor here today, there was no emergency. And Senator Clarke continually tries to trip me up in that manner and confuse me so that I cannot ask the proper questions, and I object."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, I made no suggestion, if the good Senator will recall, that his remarks be stricken or that the answer of Senator Bottiger be stricken.

"I simply wanted the record to also show that there is an expression which will be evidenced by the vote of many Senators on this floor, that that is not the legislative intent."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, in reply to your point of order, the discussion just engaged in by you and Senator Clarke and Senator Bottiger will be in the record."

PARLIAMENTARY INQUIRY

Senator Clarke: "Have we reached the 10th day before adjournment when the majority vote is only required, or is that tomorrow?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes the rule goes into effect tomorrow."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Wojahn and Hurley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

MOTION

Senator Sellar moved the rules be suspended, Engrossed House Bill No. 137, as amended by the Senate, be advanced to third reading, the second reading reading considered the third, and the bill be placed on final passage.

Senator Bottiger demanded a roll call and the demand was sustained.

There being no objection, on motion of Senator Sellar, the motion to advance Engrossed House Bill No. 137, as amended by the Senate, was withdrawn.

Engrossed House Bill No. 137, as amended by the Senate, was passed to the Committee on Rules for third reading.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 3929.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3929, by Committee on Higher Education (originally sponsored by Senators Scott and Hansen):

Implementing law relating to rules and regulations governing vocational-technical institutes.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3929.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3929, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3929, 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.

MOTIONS

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

On motion of Senator Lee, the Committee on State Government was relieved from further consideration of Senate Bill No. 4095.

On motion of Senator Lee, Senate Bill No. 4095 was rereferred to the Committee on Ways and Means.

On motion of Senator Lee, the Committee on Financial Institutions and Insurance was relieved from further consideration of Senate Bill No. 3991.

On motion of Senator Lee, Senate Bill No. 3991 was rereferred to the Committee on Ways and Means.

On motion of Senator Clarke, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 16, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, revising provisions pertaining to capital punishment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen, Woody.

Passed to Committee on Rules for second reading.

April 16, 1981.

ENGROSSED HOUSE BILL NO. 100, authorizing first class cities to enact ordinances against discrimination (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Hughes, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 268, delaying vehicle license renewal until unpaid parking fines are paid (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Shinpoch, Talmadge, Woody.

Passed to Committee on Rules for second reading.

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 293, making prostitution involving a minor a class C felony (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hughes, Pullen, Shinpoch, Talmadge.

Passed to Committee on Rules for second reading.

April 16, 1981.

HOUSE BILL NO. 537, permitting issuance of an occupational drivers license to a person whose license has been revoked for refusing a blood alcohol test (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

Passed to Committee on Rules for second reading.

MOTION

At 4:45 p.m., on motion of Senator Clarke, the Senate recessed until 6:45 p.m.

EVENING SESSION

The President called the Senate to order at 6:45 p.m.

REPORTS OF STANDING COMMITTEES

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 61, placing telephone companies and their competitors on an equal excise tax basis (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Fleming, Hayner, Jones, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

April 16, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 257, providing for supplemental police protection in border areas (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Craswell, Vice Chairman; Deccio, Gaspard, Haley, Hayner, Lee, McDermott, Ridder, Zimmerman.

Passed to Committee on Rules for second reading.

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 320, modifying provisions concerning plats and subdivisions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley.

Passed to Committee on Rules for second reading.

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 490, providing for a state exhibition of Energy Fair '83 (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 16, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise you that on April 16, 1981, Governor Spellman approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 3076: Relating to revenue and taxation.

SUBSTITUTE SENATE BILL NO. 3080: Relating to motor vehicle offenses.

SENATE BILL NO. 3221: Relating to the University of Washington.

Sincerely,

MARILYN SHOWALTER
Counsel.

MOTION

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

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 21, by Committee on Revenue (Originally sponsored by Representatives Sprague, Nisbet, Patrick and Van Dyken):

Modifying the taxation of experimental automobiles propelled by electric power.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 78, by Committee on Revenue (Originally sponsored by Representatives Addison, Brown, Greengo, Cantu, Hankins, Taylor, Houchen, Maxie, Wang, McGinnis and Warnke):

Modifying the senior citizens property tax exemption.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 277, by Committee on Revenue (Originally sponsored by Committee on Revenue and Representatives Bond and Greengo):

Requiring an identifying decal from the department of licensing as authority to purchase propane for motor vehicle use.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 342, by Representatives Patrick, Barrett, Schmidt, Scott, Rinehart, Nisbet, Rust, Wilson and Bickham:

Authorizing a class L liquor license for nonprofit arts organizations.

Referred to Committee on Commerce and Labor.

SUBSTITUTE HOUSE BILL NO. 581, by Committee on Revenue (Originally sponsored by Committee on Revenue and Representatives Hastings, Wang, Erickson, North, Rinehart, Brown, Brekke, Burns, Rust, Lux, Sommers and Granlund):

Abolishing the economic assistance authority.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 20, by Committee on Institutions (Originally sponsored by Representatives Houchen, Scott and Nisbet):

Requesting the appointment of a prison siting task force.

Referred to Committee on Rules.

MOTION

At 6:48 p.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Friday, April 17, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 17, 1981.

The President called the Senate to order at 10:30 a.m. The President declared the Senate to be at ease. The President called the Senate to order at 10:40 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Marshal McClean and Jonathan Feste, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center, offered the prayer.

MOTION

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

MOTION

On motion of Senator Clarke, all measures reported on the Standing Committee Report list were referred directly to the Second Reading Calendar for today.

REPORTS OF STANDING COMMITTEES

April 16, 1981.

SENATE BILL NO. 4205, authorizing fisheries facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4206, authorizing higher education buildings and facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4206 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4210, authorizing higher education facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4210 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4211, authorizing social and health service facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4211 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4212, authorizing state buildings and facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4212 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4213, authorizing outdoor recreational areas and facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder.

Passed to Committee on Rules for second reading.

April 16, 1981.

SENATE BILL NO. 4214, authorizing capital projects bonds for community colleges (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4214 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Fleming, Haley, Hayner, Jones, Lee, McDermott, Ridder.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

Office of the Governor, April 15, 1981.

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:

Mr. Lawrence J. Faulk appointed April 14, 1981, for a term ending September 30, 1985, succeeding Sally Starke as a member of the Board of Trustees for Community College District No. 22.

Sincerely,
JOHN SPELLMAN
Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

April 16, 1981.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 175, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 7, and has adopted the resolution as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 112,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 307,
HOUSE BILL NO. 464,

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 42,
HOUSE BILL NO. 66,
HOUSE BILL NO. 83,
SUBSTITUTE HOUSE BILL NO. 88,
SUBSTITUTE HOUSE BILL NO. 112,
HOUSE BILL NO. 161,
HOUSE BILL NO. 171,
SUBSTITUTE HOUSE BILL NO. 307,
SUBSTITUTE HOUSE BILL NO. 316,
HOUSE BILL NO. 364,
HOUSE BILL NO. 464,
SUBSTITUTE HOUSE BILL NO. 636,
HOUSE BILL NO. 681,
HOUSE CONCURRENT RESOLUTION NO. 7,
HOUSE CONCURRENT RESOLUTION NO. 23, and the same are here-

with transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 174,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 603,
REENGROSSED HOUSE BILL NO. 723, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3049,
SENATE BILL NO. 3051,
SENATE BILL NO. 3053,
ENGROSSED SENATE BILL NO. 3067,

SENATE BILL NO. 3079,
SENATE BILL NO. 3102,
SUBSTITUTE SENATE BILL NO. 3118,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3128,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4182, and the same are
herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 3057,
ENGROSSED SENATE BILL NO. 3129,
SUBSTITUTE SENATE BILL NO. 3187,
SENATE BILL NO. 3196,
SENATE BILL NO. 3306,
SENATE BILL NO. 3352,
SUBSTITUTE SENATE BILL NO. 3415,
SUBSTITUTE SENATE BILL NO. 3464,
SUBSTITUTE SENATE BILL NO. 3514,
SENATE BILL NO. 3722,
SUBSTITUTE SENATE BILL NO. 3857,
SENATE BILL NO. 3872, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to HOUSE
BILL NO. 75, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendment to HOUSE
BILL NO. 227, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to HOUSE
BILL NO. 120, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to HOUSE
BILL NO. 181, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendment to SEC-
OND SUBSTITUTE HOUSE BILL NO. 157, and has passed the bill as amended
by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendment to SUB-
STITUTE HOUSE BILL NO. 176, and has passed the bill as amended by the
Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTED HOUSE BILL NO. 467, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 625, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 664, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 42,
 HOUSE BILL NO. 66,
 HOUSE BILL NO. 83,
 SUBSTITUTE HOUSE BILL NO. 88,
 SUBSTITUTE HOUSE BILL NO. 112,
 HOUSE BILL NO. 161,
 HOUSE BILL NO. 171,
 SUBSTITUTE HOUSE BILL NO. 307,
 SUBSTITUTE HOUSE BILL NO. 316,
 HOUSE BILL NO. 364,
 HOUSE BILL NO. 464,
 SUBSTITUTE HOUSE BILL NO. 636,
 HOUSE BILL NO. 681,
 HOUSE CONCURRENT RESOLUTION NO. 7,
 HOUSE CONCURRENT RESOLUTION NO. 23.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3042,
 SENATE BILL NO. 3062,
 SUBSTITUTE SENATE BILL NO. 3064,
 SENATE BILL NO. 3065,
 SENATE BILL NO. 3140,
 SUBSTITUTE SENATE BILL NO. 3205,
 SENATE BILL NO. 3207,
 SENATE BILL NO. 3208,
 SENATE BILL NO. 3303,

SUBSTITUTE SENATE BILL NO. 3320,
SENATE BILL NO. 3327,
SENATE BILL NO. 3632,
SENATE BILL NO. 3903,
SENATE BILL NO. 4080,
SENATE JOINT RESOLUTION NO. 107.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Hayner and Jones:
Exempting certain bills from cut-off provisions of HCR 3.

MOTION

On motion of Senator Clarke, the rules were suspended and Senate Concurrent Resolution No. 113 was advanced to second reading and held on the desk of the Secretary of the Senate.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 174, by Committee on Labor and Economic Development (originally sponsored by Committee on Labor and Economic Development and Representative Mitchell):

Modifying licensing requirements for podiatrists.
Referred to Committee on Social and Health Services.

REENGROSSED HOUSE BILL NO. 723, by Committee on Local Government and Representative Isaacson.

Modifying provisions relating to governing bodies of metropolitan municipal corporations.
Referred to Committee on Local Government.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 160.

SECOND READING

ENGROSSED HOUSE BILL NO. 160, by Representatives Struthers, Kreidler, Galloway and Nelson (G.):

Revising provisions relating to retail installment sales.

REPORT OF STANDING COMMITTEE

April 14, 1981.

ENGROSSED HOUSE BILL NO. 160, revising provisions relating to retail installment sales (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 18, after "buyer." strike all of the material down to and including "lesser." on line 23

On page 5, beginning on line 26, after "(a)" strike the remainder of the subsection and insert "~~((One percent per month on the outstanding unpaid balances; or))~~ A rate on outstanding unpaid balances which exceeds six percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week bills as determined at the next to the last market auction conducted during November of the year prior to the year in which the retail installment contract is executed; or"

On page 8, line 27, after "immediately" and before the period insert ": PROVIDED, HOWEVER, That the people's right to a petition referendum shall not be precluded by this emergency clause"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley, Pullen.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment to page 5, line 18 was adopted.

Senator Sellar moved adoption of the committee amendment to page 5, beginning on line 26.

On motion of Senator Pullen, the following amendment by Senators Pullen and Sellar to the committee amendment was adopted:

On page 5, line 26, strike the committee amendment and insert:

On page 5, beginning on line 26, after "(a)" strike the remainder of the subsection and insert "~~((One percent per month on the outstanding unpaid balances; or))~~ A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yields (as published by the Federal Reserve Bank of San Francisco) of the bill rates for twenty-six week treasury bills for the last market auctions conducted during February, May, August, and November of the year prior to the year in which the retail installment contract is executed; or"

The committee amendment to page 5, beginning on line 26, as amended, was adopted.

Senator Sellar moved adoption of the committee amendment to page 8, line 27. Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the committee amendment to page 8, line 27.

ROLL CALL

The Secretary called the roll and the committee amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—25.

Senator Clarke moved the following amendments be considered and adopted simultaneously:

On page 1, after line 11, insert the following:

"Section 1. Section 1, chapter 236, Laws of 1963 as amended by section 1, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Services" means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair or improvement of goods and includes repairs, alterations or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer or official of either as in the case of transportation services;

(3) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(4) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(5) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(6) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is

bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease;

(7) "Retail charge agreement," "revolving charge agreement" or "charge agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(8) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs or official fees;

(9) "~~((Cash))~~ Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction(~~(, if the sale had been a sale for cash)~~). The ~~((cash))~~ sale price may include any taxes, registration and license fees, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations or improvements;

(10) "Official fees" means the amount of the fees prescribed by law for filing, recording or otherwise perfecting, and releasing or satisfying, a retained title, lien or other security interest created by a retail installment transaction;

(11) "Time balance" means the principal balance plus the service charge;

(12) "Principal balance" means the ~~((cash))~~ sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees;

(13) "Person" means an individual, partnership, joint venture, corporation, association or any other group, however organized;

(14) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 2. Section 3, chapter 236, Laws of 1963 as amended by section 2, chapter 234, Laws of 1967 and RCW 63.14.030 are each amended to read as follows:

The retail seller shall deliver to the retail buyer, at the time the buyer signs the contract a copy of the contract as signed by the buyer, unless the contract is completed by the buyer in situations covered by RCW 63.14.060, and if the contract is accepted at a later date by the seller the seller shall mail to the buyer at his address shown on the retail installment contract a copy of the contract as accepted by the seller or a copy of the memorandum as required in RCW 63.14.060. Until the seller does so, the buyer shall be obligated to pay only the ~~((cash))~~ sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature."

Renumber the remaining sections consecutively

On page 1, on line 23, strike "cash" and insert "~~((cash))~~"

On page 4, on line 12, strike "cash" and insert "~~((cash))~~"

On page 8, on line 11, strike "4 through 6" and insert "6 through 8"

Debate ensued.

POINT OF INQUIRY

Senator Shipoch: "Senator Clarke, I understood you to say that it was not currently legal to give a discount for cash. Did I understand you correctly to say that it is not currently legal to give a discount for cash?"

Senator Clarke: "My understanding is that under the present law, if you give a discount for cash then, in substance, that differential has to be figured as a part of your carrying charge or interest that is charged for your credit card sales; and that has had the practical effect, then, of completely preventing a cash discount, because if you offer that cash discount, then that completely throws out of proportion your normal credit card business."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Clarke, would your amendment deal with the use of credit cards and having that option to pay cash instead of, I am thinking of credit cards in restaurants, hotels, Sears Roebuck, Montgomery Ward, and all of those retail sales outlets who have used credit cards as a substantial part of their business. Would people have the option of, when they add up the bill and put it on the credit card, it comes to \$95.00, that they would be able to save 5-10%, whatever your amendment does?"

Senator Clarke: "It is my understanding, Senator, that cash means either cash or check. And that they could not take the benefit of the cash discount and then put it on their credit card."

Senator Deccio: "No, that is not what I meant. If you go to a restaurant and you, with your wife, and you have a bill of \$75.00 and instead of putting it on your credit card which would be subject to interest, would you have the option of paying that \$75.00, less \$7.50, if you paid cash?"

Senator Clarke: "If they post, as I understand it, then I, frankly, am not very technically conversant with this whole field; but it is my understanding and I am informed, that if they post a cash discount, we'll say a 5% or 10%, in your restaurant that you are talking about, then if you pay by cash or check, you could get that discount; but that is the only way you get that discount, is cash or check, which is a cash discount."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Clarke, it seems to me that the problem that Senator Bottiger has tried to express, could be cured by requiring that all of the sales made in that particular establishment had to be subject to the cash discount. In other words, that you could not be selective and say that 'On these items you will get a cash discount, and on these items you will not.' I wonder if there is some language that could be put into the bill that would cure the problem by requiring that if a person offered a cash discount, that that cash discount had to be applied to all sales offered by that store."

Senator Clarke: "Senator, I suppose such language could be prepared and frankly, I can't give you an authoritative answer myself as to whether, if they offer a cash discount under this proposed amendment, it would be required to be applied to all items."

"Now with respect to Senator Bottiger's problem to which you related, that of the used car salesman, it is my impression that from a practical standpoint because there is extreme elasticity in negotiations for used cars as to trade-in values and everything of that nature, that the differential in reality, if you are going to put it on credit, the used car man will just charge you by not giving you as much turn-in or

something like that, so he will adjust that selling price to achieve the very result that Senator Bottiger is talking about under the current law.

"And that, I think, also would apply to the real estate transaction when you are dealing with a single item, single large-ticket item, then the negotiation of the price is itself tied in to the method so that, in reality, the price can be adjusted upward if they are going to handle it on a credit basis."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Bottiger, I am impressed by Senator Quigg's concern for those old people going out to eat. Does this apply to restaurants, Senator Bottiger?"

Senator Bottiger: "Mr. President, and members of the Senate. Unfortunately, we do not read what we are voting on. This has nothing to do with plastic money at the restaurant. This is a definition of a retail installment credit sale. The question is, 'At what price do you begin to figure the interest?' The price the product is offered for cash is the current law. What the amendment does is allow another price to be established from which you then take and add the interest. And that other price would be the retail installment credit price.

"So the example of the lawn mower is the one you should be voting on, not offering a discount under a plastic money credit card. That is not covered under a retail installment sale."

Further debate ensued.

POINT OF INQUIRY

Senator Gould: "I am sorry to interrupt but I would like to have a statement for the record, and I would like to ask Senator Sellar to yield so that we can clarify a question that was just brought to us, if I may?"

"Senator Sellar, the question was brought up as to whether this does apply to credit cards. It is my understanding that it does apply to them as well as to other retail installments. Is that your understanding?"

Senator Sellar: "As I read the amendment, it does, I think Senator Bottiger is correct, that it deals with retail sales contracts."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I am shocked at how little the members, some of the members of the Senate, understand House Bill 137 and House Bill 160. If the credit card is a J. C. Penney credit card this language applies. If it is a Visa card that you used at the restaurant, it does not apply; that is in House Bill 137. This is retail installment contracts where you go to the person who is selling and he is providing the financing, either by writing a contract and selling it to the bank, which is the car dealer situation, or to the J. C. Penny account where they are carrying their own financing.

"That is what this bill, 160, applies to and that is all the amendment applies to."

POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, I am not sure what the reality of the situation is when I hear all the different, whether Senator Quigg is right, Senator Clarke, Senator Sellar, or yourself. Would you go through this once more so I can understand the substance and the practical effect in reality from a practical

standpoint, what your understanding is and how you are informed on it? All I heard were those words used over and over again."

Senator Bottiger: "The law now says that you cannot charge more than 12% on a retail installment contract. In defining what the price is from where we start figuring the interest, the law now says that you take the price that product would be sold for, for cash. If you read the language of the bill we are amending, then you figure the interest above that. You delete the words that Senator Clarke wants to delete, and you can have two prices, the cash price and the credit price.

"And the example I gave of the lawn mower, you could advertise a lawn mower for \$100.00 if you pay cash or \$150.00 if you buy it on time. The \$150.00 then is the figure to which you apply the interest. So by creating a difference, you totally eliminate the usury law because the merchant is free to charge whatever he wants, difference between cash and installment contract, and that difference will not be included in figuring the interest."

Senator Lysen: "If this amendment passes, which I think it might, we totally eliminate the usury law, Senator Bottiger. The usury law was enacted, you said by 1890? Was there a time when we did not have usury laws at all which appear to be entering into now?"

Senator Bottiger: "Well, in some of the early records of the Roman empire, we find records where they set the usury limit, and it has been as low in their history as zero. For a period of time they refused to charge interest.

"We could never find—that is true—we could never find any case where the Roman empire permitted more than 12%, and until in recent times, 12% was a kind of a figure that was adopted by everybody."

Senator Lysen: "Was the Roman empire hit with heavy inflation like this?"

Senator Bottiger: "I am sure they were."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Clarke.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Woody, Zimmerman—29.

Voting nay: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn—20.

Senator Pullen moved adoption of the following amendment:

On page 5, beginning on line 29, strike all material through "balances" on line 32 and insert the following:

"(2) The service charge in a retail charge agreement, revolving charge agreement, or charge agreement, shall not exceed the greater of one percent per month on the outstanding unpaid balances or an annual rate each calendar biennium on outstanding unpaid balances of six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yields (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the last market auctions conducted during February, May, August, and November of each even-numbered year prior to the applicable calendar biennium."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Pullen, as I read this amendment, once a new rate is set, it is set for two years, is that correct?"

Senator Pullen: "That is correct. And then at the end of that two-year period, the rate may go up or down, depending on what the economic circumstances were during the year prior to the end of the two-year period."

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; absent or not voting, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Lee, McDermott, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—29.

Absent or not voting: Senator Conner—1.

On motion of Senator Wojahn, an amendment to page 8, line 10 on the desk of the Secretary of the Senate was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 8, line 10, after "chapter" and before the period insert "but shall be subject to the provisions of chapter 19.52 RCW"

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Newhouse, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—24.

Senator Charnley moved adoption of the following amendment by Senators Charnley and Wojahn:

On page 8, line 24, after "Sec. 12." strike all material down to and including "immediately." on line 27 and insert the following:

"This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the Legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with Article II, section 1 of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Renumber the remaining sections accordingly.

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.
Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, is there any emergency that you can see in this legislation that will require eliminating the emergency clause, I mean, having the emergency clause on the bill?"

Senator Bottiger: "Senator Rasmussen, this bill and the others, contains this clause that says there is an emergency and that it is necessary to protect the public peace, health and safety and I have not heard any testimony from anybody that would indicate that there is such an emergency. Perhaps in the minds of those, of some that raising the amount of money that lending institutions can receive is an emergency, but I have not heard it."

Further debate ensued.

Senator Pullen moved adoption of the following amendment to the amendment by Senators Charnley and Wojahn:

On the amendment by Senators Charnley and Wojahn, after "act" insert "shall take effect immediately but"

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment by Senators Charnley and Wojahn was not adopted.

The President declared the question before the Senate to be the roll call on the amendment by Senators Charnley and Wojahn.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; absent or not voting, 1.

Voting yea: Senators Bottiger, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—19.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—29.

Absent or not voting: Senator Charnley—1.

Senator Bottiger moved adoption of the following amendment:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 4, chapter 236, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.040 are each amended to read as follows:

(1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

- (1) (a) The cash sale price of each item of goods or services;
- (2) (b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;
- (3) (c) The difference between items (1)(a) and (2)(b);
- (4) (d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;
- (5) (e) The aggregate amount of official fees, if any;

(6) (f) The principal balance, which is the sum of items (3)(c), (4)(d) and (5)(e);

(7) (g) The dollar amount or rate of the service charge;

(8) (h) The amount of the time balance owed by the buyer to the seller, which is the sum of items (6)(f) and (7)(g), if (7)(g) is stated in a dollar amount; and

(9) (i) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer: "NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed % (must be filled in) per annum computed monthly (~~and may not lawfully exceed twelve percent per annum computed monthly~~).

(e) You may cancel this contract if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the contract which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing this contract. If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract."

Clause (2)(e) needs to be included in the notice only if the contract is solicited in person by the seller or his representative, and the buyer signs it, at a place other than the seller's business address shown on the contract.

Sec. 2. Section 13, chapter 236, Laws of 1963 as last amended by section 3, chapter 2, Laws of 1969 and RCW 63.14.130 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer.

(1) The service charge, in a retail installment contract, shall not exceed the ~~((highest))~~ higher of the following:

(a) ~~((One percent per month on the outstanding unpaid balances))~~ A rate on each month's outstanding unpaid balance which exceeds on an annual basis six percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the last bill market auction conducted during the month preceding the month in which the retail installment contract is executed; or

(b) Ten dollars.

(2) The service charge in a retail charge agreement, revolving charge agreement or charge agreement, shall not exceed one percent per month on the outstanding unpaid balances. If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

(3) A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range.

~~(((4) The service charge in a retail installment contract or charge agreement shall not exceed the rate of twelve percent per annum, computed monthly. A service charge computed by one of the foregoing methods, or within the permitted minimum charges, shall be deemed not to be in excess of twelve percent per annum computed monthly.))~~

On motion of Senator Pullen, the following amendment to the amendment by Senator Bottiger was adopted:

On page 4, beginning on line 36, after "(a)" strike the remainder of the subsection and insert "~~((one percent per month on the outstanding unpaid balances; or))~~ A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yields (as published by the Federal Reserve Bank of San Francisco) of the bill rates for twenty-six week treasury bills for the last market auctions conducted during February, May, August, and November of the year prior to the year in which the retail installment contract is executed; or"

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger as amended by Senator Pullen.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Sellar, is it not true that now they have an option, they will be able to pay cash and get a discount?"

Senator Sellar: "Yes, that is correct, which is probably the better, really."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger as amended by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 21; nays, 27; absent or not voting, 1.

Voting yea: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shipoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, Zimmerman—27.

Absent or not voting: Senator von Reichbauer—1.

On motion of Senator Clarke, the following amendment to the title was adopted:

On page 1, on line 1 of the title, after "sales;" insert "amending section 1, chapter 236, Laws of 1963 as amended by section 1, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.010; amending section 3, chapter 236, Laws of 1963 as amended by section 2, chapter 234, Laws of 1967 and RCW 63.14.030;"

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 160, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Metcalf, rather than get into a lengthy debate as to the causes of inflation, may I ask you to yield to one question?"

"Do you know what the basic cause of our national debt is, where most of it was accumulated?"

Senator Metcalf: ". . . the creation of money which we have allowed the Federal reserve to create money, just like that, out of nothing, and loan it to us at interest. Most of the national debt, or much of the national debt is our own money, in circulation. We are paying interest on our own money in circulation to a private banking organization, the Federal reserve."

Senator Hughes: "Thank you, Senator. If I could continue.

"Now, I have to correct one thing. The vast majority of the national debt is a result of war; and if you can eliminate war you will do more to cure inflation than any other single factor."

Further debate ensued.

Senators Clarke, Newhouse and Jones demanded the previous question.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—24.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 160, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Talley, Zimmerman—26.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—23.

ENGROSSED HOUSE BILL NO. 160, 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.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, looking at the second reading calendar I see Senate Bill 3405, and 3406, are on the second reading calendar for the day. Mr. President, these bills do not contain an appropriation, they are not a measure designed to raise revenue for the state.

"I would request a ruling from the chair as to whether pursuant to the cutoff resolution, Senate Bill 3405, as one question, and 3406 as the second question, are legitimately before the Senate on the second reading calendar."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would respectfully suggest that the President should withhold ruling on that until the bills are brought before the Senate for consideration. The mere fact they are on the calendar does not mean they are presently before the Senate for consideration, and the motion should properly be made at the time that the bills are brought up for consideration."

Senator Vognild: "Mr. President, it was my understanding, after the cutoff that all bills that failed to survive the cutoff were removed from the calendar and returned to the committee of origin. I believe that a ruling at this time would be appropriate."

Senator Rasmussen: "Mr. President, I find myself a little bit confused by Senator Clarke's statement that, just because the bills are on the calendar that they are not before the Senate. It is my understanding from years of practice here that once a bill is on the calendar, it is before the Senate; so Senator Clarke, I find it hard to understand what you were saying. You are confused, too; well, maybe I could ask the President."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, if a bill is on the calendar, is it before the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that it is before the Senate, Senator Rasmussen."

REPLY BY PRESIDENT TO SENATOR VOGNILD

President Cherberg: "In reply to your inquiry, Senator Vognild, the President believes that the bills do not presently fit within the provisions of House Concurrent Resolution No. 3."

Senator Vognild: "Thank you, Mr. President. Does that automatically return those bills to the committee of origin, or will that require a motion?"

President Cherberg: "The bills would be returned to rules, Senator, under normal process. Would you care to make a motion otherwise?"

Senator Vognild: "I would move that those two bills, having failed to survive the cutoff, be returned to the committee of origin."

President Cherberg: "Senator Vognild has moved that the two measures be referred to the committee of origin. Senator Clarke."

Senator Clarke: "Speaking in opposition to the motion, it is not the normal procedure. Other bills that had cutoff problems had traditionally been returned to rules and I would urge the body to reject the motion."

President Cherberg: "The question before the Senate is the motion by Senator Vognild that the bills be referred to the committee of origin."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "The President has ruled the bills are improperly before us. I do not know how this Senate can amend a concurrent resolution by retaining the bills before us.

"That is an agreement with the other House. It would seem that Senator Clarke is even making more and more improper decisions."

MOTION

Senator Clarke moved the motion by Senator Vognild be laid upon the table.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Clarke that the motion by Senator Vognild be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild was laid upon the table by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, do I understand properly that Senate Bill 3405, Senate Bill 3406, having been ruled as not surviving the cutoff, are now in rules?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "The ruling does not necessarily imply that, that is, the President responded to a question of inquiry as to whether or not they survived the cutoff, that has been answered, so the bills remain in present status unless and until some further action is taken. The ruling merely relates to the cutoff situation."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Concurrent Resolution No. 113.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Hayner and Jones:

Exempting certain bills from cut-off provisions of House Concurrent Resolution No. 3.

The resolution was read the second time in full.

With permission of the Senate, Senator Gaspard introduced the Poster Child for this year.

MOTION

At 12:47 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The Senate resumed consideration of Senate Concurrent Resolution No. 113 on second reading.

MOTIONS

There being no objection, on motion of Senator Fleming, an amendment to page 1, line 4 on the desk of the Secretary of the Senate with withdrawn.

On motion of Senator Vognild, the following amendment was adopted:

On page 1, line 5, strike "Senate Bill 3405, Senate Bill 3406".

Senator Pullen moved adoption of the following amendment:

On line 6, delete "Senate Bill No. 3592,"

Debate ensued.

There being no objection, on motion of Senator Pullen, the amendment was withdrawn.

On motion of Senator Clarke, the rules were suspended, Engrossed Senate Concurrent Resolution No. 113 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 113, and the resolution passed the Senate by the following vote: Yeas, 37; nays 9; absent or not voting, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—37.

Voting nay: Senators Bauer, Conner, Hansen, Hughes, Lysen, McDermott, Moore, Rasmussen, Talmadge—9.

Absent or not voting: Senators Craswell, Peterson, Williams—3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 113, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3843, by Senators Scott, McDermott, Jones and Hayner (by Office of Financial Management request):

Adopting the capital budget.

MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 3843 was substituted for Senate Bill No. 3843 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment:

On page 5, line 38, strike all of subsection (11) and renumber the remaining subsections.

POINT OF INQUIRY

Senator McDermott: "Mr. President, I really put this amendment up here, Senator Scott, so you would explain to us. We went through this bill so rapidly last night that I, there was no time to ask and people in the caucuses said 'Why are we buying land next to the Olympia Technical Community College?' and I did not have an answer for that and, sounds like we are extending the college. So maybe you can explain to us why we should leave that in."

Senator Scott: "Mr. President, Senator McDermott, that land is now available, it is not likely to be available in the future. There is no intention to, if you are referring indirectly to the question of the balance between OTCC and the academic programs in (Chehalis) Centralia, there is no intention to begin a full-blown community college here. It is a case of this property being available at a very reasonable price. It cannot last long and we thought it the better part of wisdom to get hold of it. It is not a question of expanding the programs of the local college, either in terms of their present scope or adding to their scope. I would hope then the amendment is superfluous."

Senator McDermott: "Mr. President, why would they buy the land if they don't expect to expand? I mean, you do not buy land, . . . for a parking lot or something."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, I have no objection to foresightedness, planning and things of this nature, but as we buy land and put it into the public domain, we take it off the local tax rolls and there's got to be a need for it and so far nobody has explained what it is that we are going to use this for, at some future date."

Senator Hemstad: "Senator Bottiger, this request comes both from the local community college board and the state community college board. There is complete agreement that the land should now be purchased and held. There will be a necessity for an expansion of the capacity of that facility for its technical college responsibilities in any event. And so if that land is not purchased now, it will permanently foreclose, at least at that site, any future expansion of the facility there, for any purpose."

Further debate ensued.

There being no objection, on motion of Senator McDermott, the amendment to page 5, line 38 was withdrawn.

Senator Bottiger moved adoption of the following amendment:

On page 6, line 5, following "building" strike "located in eastern Washington" and on line 7, strike "300,000" and insert "6,500,000"

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator McDermott, the following amendment by Senators McDermott, Ridder, Gaspard, Deccio, Wojahn, Hughes and Bauer was adopted:

On page 10, Section 6, following line 2, insert the following new subsection to read as follows:

"(3) To provide funding for the Department of Social and Health Services compliance with section 504 relating to handicapped access to facilities.

	<u>Reappropriation</u>	<u>Appropriation</u>
DSHS Constr Acct	400,000	-0-

<u>Project Costs</u> <u>Through 6/30/81</u>	<u>Estimated Costs</u> <u>7/1/81 and</u> <u>Thereafter</u>	<u>Estimated</u> <u>Total</u> <u>Costs</u>
\$162,000	-0-	\$556,000"

Re-number remaining subsections accordingly.

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 12, line 4, strike "28,433,300" and insert "27,433,300"

On page 12, after line 9, insert:

"(7) Design and prepare two sites for construction of 250 bed prisons.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		\$1,000,000
Project Costs Through 6/30/81		-
Est. Costs 7/1/83 and Thereafter		-
Est. Total Costs		1,000,000"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; nays, 31; absent or not voting, 1.

Voting yea: Senators Bauer, Charnley, Fleming, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn, Woody—17.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Wilson, Zimmerman—31.

Absent or not voting: Senator Metcalf—1.

On motion of Senator Hemstad, the following amendment by Senators Hemstad and McDermott was adopted:

On page 8, after line 8, insert the following:

"(22) Perform engineering study to determine cost of restoring Thurston county courthouse for alternate uses.

	Reappropriation
GF, Capitol Bldg Construc Acct	\$ 75,000"

Senator Shinpoch moved adoption of the following amendment:

On page 31, after line 23, insert:

"(41) Acquire portions of riverbank on the Green River.

	Reappropriation	Appropriation
GF—ORA (HJR 52)	\$ 375,000	
GF—ORA (LWCF)	\$ 375,000	
Project Cost Through 6/30/81		-
Est. Costs 7/1/83 and Thereafter		-
Est. Total Costs		\$ 750,000"

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Shinpoch.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Talley—1.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Woody and Vognil:

On page 12, line 2, after "on" insert "a site other than".

Debate ensued.

Senators Hayner, Guess and Benitz demanded the previous question and the demand was sustained.

The motion by Senator McDermott failed and the amendment was not adopted.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Gould was adopted:

On page 6, line 4, after "subsection" strike all remaining language in the subsection and insert "to perform energy audits and to implement the recommendations of energy audits in state-owned buildings.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		\$6,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
\$14,000	—	\$6,514,000"

Senator Williams moved adoption of the following amendment by Senators Williams and Bottiger:

On page 6, line 39, strike "one member" and insert "two members" and on line 40, strike "majority leader, one member" and insert "president of the senate, two members"

On motion of Senator Scott, the following amendment to the amendment by Senators Williams and Bottiger was adopted:

After "member" insert "one from each party"

The President declared the question before the Senate to be adoption of the amendment by Senators Williams and Bottiger as amended by Senator Scott.

POINT OF INQUIRY

Senator Charnley: "Senator Scott, I am sure you intend one from each party from each House, and I wondered if the effect of your amendment, the oral amendment, was to do that or do we just say two members, one from each party in the Senate and just . . . the two members from the House?"

Senator Scott: "Well, Senator Charnley, the majority leader was replaced as the appointing power by the President, so I presume the amendment refers to the Senate only."

Senator Charnley: "But it is not your desire to make the same change for the House?"

Senator Scott: "That is correct."

The motion by Senator Williams carried and the amendment by Senators Williams and Bottiger as amended by Senator Scott was adopted.

Senator Williams moved adoption of the following amendment:

On page 8, after line 7, insert:

"(22) Legislative Chambers art work

	Reappropriation	Appropriation
GF, Capitol Bldg Constr Acct	\$ 139,000	-
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
\$61,000	-1-	\$200,000
	(sic)	

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 13; nays, 36.

Voting yea: Senators Bluechel, Charnley, Conner, Goltz, Gould, Hemstad, Hurley, McDermott, Ridder, Shinpoch, Talley, Williams, Woody—13.

Voting nay: Senators Bauer, Benitz, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Zimmerman—36.

Senator Hurley moved adoption of the following amendment:

On page 30, line 13, strike all of subsection (35).

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Hurley, as I recall, in the four years we served together in the House, you were constantly out front on this issue and I recall you did introduce some legislation to address this problem of applying moorage fees to large pleasure boat owners, is that correct?"

Senator Hurley: "Yes, this is true. This has been under study by our committee in the House for a number of years. In 1977 we had a study on moorage fees and we proposed it at that time. But I believe the bill did not get out of committee until 1979 and at that time, we felt that a moorage fee, it was only fair that a moorage fee be established. It was the commission that did intervene at that time and no moorage fee has been established up to this time; and another study was made in 1980, as I just said, and the recommendation came back 'Do not establish one at this time.'

"Well, if '77 was not right, if '79 was not right, if 1980 was not right, it is my contention we are never going to have one, they are never going to pay their share, and I think that we ought to delete this gratuity now."

Senator Hurley demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Hurley.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Goltz, Hansen, Hughes, Hurley, Lysen, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognil, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gaspard, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—27.

Absent or not voting: Senator McDermott—1.

Senator Goltz moved adoption of the following amendment:

On page 43, after line 8, insert the following:

"(60) Participate with the city of Bellingham and the Heritage Conservation and Recreation Service in construction of salmonid fish cultural facilities at the Maritime Heritage Center on Whatcom Creek

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		256,000
Project Costs Through 6/30/81	—	
Estimated Costs 7/1/83 and Thereafter	—	
Estimated Total Costs		256,800"

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Scott, you mention that the reason you would oppose the amendment is that it would alter the total, and does that mean that there can be no altering of the total number of dollars in the appropriation column, and if that is so, why is that so?"

Senator Scott: "That is not so, Senator Goltz, we have already altered it by over \$6,000,000 and I have an amendment to the bond bill to make that change."

Senator Goltz: "If it is altered again, can the bond bill be altered again? Or is there a technical problem in producing the material?"

Senator Scott: "There is no problem except the low priority here, Senator. The bill could of course be amended an infinite number of times and likewise with the bond bill, but as I look across the way I see that we are on the 96th day."

The motion by Senator Goltz failed and the amendment was not adopted on a rising vote.

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Pullen, McDermott, Ridder, Fleming, Talmadge and Charnley:

On page 53, following line 50, insert the following new subsection to read as follows:

"(4) Up to \$30,000 is hereby appropriated solely for a state historical monument to recognize the World War II internment of Japanese-Americans at the Western Washington fairgrounds in Puyallup. Funds appropriated for this memorial may be expended to the extent that at least twenty-five percent of the total cost of the project authorized is obtained from federal, local, or private sources.

	<u>Reappropriation</u>	<u>Appropriation</u>
GF, State		\$30,000
	Project	Estimated
	Costs	Total
	Through	Costs
	6/30/81	
		\$30,000"

Debate ensued.

The motion by Senator Gaspard carried and the amendment was adopted.

Senator Goltz moved adoption of the following amendment:

On page 68, after line 16, insert:

"(9) Design the remodeling project for College Hall

	Reappropriation	Appropriation
GF, St. Hi. Ed. Constr Acct		\$ 341,500
Project Costs Through 6/30/80		-
Est. Costs 7/31/83 and After		\$ 3,044,500
Est. Total Costs		\$ 3,386,000"

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Zimmerman—28.

Senator Talley moved adoption of the following amendment:

On page 71, after line 10, add a new subsection as follows:

"(15) Remodel/relocate auto shop, administration and parent education facilities, Lower Columbia College

	Reappropriation	Appropriation
GF, Hi. Ed. Constr Acct		\$391,500
Proj. Costs Through 6/30/81		-
Est. Costs 7/1/83 and Thereafter		-
Est. Total Costs		\$391,500"

Debate ensued.

The motion by Senator Talley failed and the amendment was not adopted on a rising vote.

On motion of Senator Charnley, the following amendment was adopted.

On page 6, beginning on line 39, after "include" strike all material down through "house" on line 41, and insert:

"two members from the senate, one from the majority and one from the minority party, appointed by the president of the senate; two members from the house, one from the majority and one from the minority party, appointed by the speaker of the house; and one representative of the office of financial management."

Engrossed Substitute Senate Bill No. 3843 was passed to the Committee on Rules for third reading.

MOTION

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 137, by House Committee on Financial Institutions and Insurance and Representatives Dawson and Clayton:

Modifying laws on usury.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I warn you that Senator Clarke is getting disturbed. I thought he was asleep."

Senator Bottiger: "Senator, I knew you would wake him up."

Senator Rasmussen: "You, Senator Bottiger, have a very fine legal mind and you heard all the arguments yesterday why this was an emergency and they needed the emergency clause on this particular legislation.

"Have you, in your study overnight, determined if there was an emergency or, I presume that . . ."

Senator Bottiger: "Well, Senator, I think I know what you mean by the question."

Senator Rasmussen: "Senator Clarke, would you sit down until Senator Bottiger gets a chance to answer that question I asked him? Point of order? Okay, go ahead."

POINT OF ORDER

Senator Clarke: "Mr. President, under Reed's rules, I think one of the prerogatives of the President is to determine whether or not certain procedures are deliberately dilatory. I call to the President's attention the fact that this identical exchange was made yesterday; it has nothing to do with the matter now before the body, and I urge the President to rule that it is out of order."

POINT OF ORDER

Senator Fleming: "Mr. President, respectfully to Senator Clarke, I wish he would let Senator Rasmussen's silver tongue slide those words over toward Senator Bottiger and see what he has to say before he can determine whether, in fact, it is the same thing that he heard yesterday; because I have heard Senator Rasmussen lots of times and I do not think I have ever heard him say the same thing twice."

Senator Rasmussen: "Mr. President, speaking to the point of order as raised by Senator Clarke, the bill, of course, was passed yesterday to third reading; we had a chance to study it and all the emergency situations. I am merely asking Senator Bottiger now if after proper study of the bill, he has discovered any emergency. I would appreciate Senator Bottiger having a chance to offer the answers."

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, the President feels that Senator Rasmussen will use up three minutes one way or another, so . . . He presently has a minute and about twelve seconds."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "In answer to your question, there are very narrow circumstances under which we can take away the people's right of referendum, and that is when we make a finding that it is absolutely imperative for the public health, safety

and welfare and the preservation of public institutions, that the normal 90-day delay in the implementation date of a bill cannot take place.

"So have I heard about emergencies? A lot of them. Have I heard about emergencies that fall in that class of cases? None."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 137, as amended by the Senate on April 16, 1981.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25, nays, 24.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bottiger, Conner, Fleming, Goltz, Lysen, McDermott, Moore, Rasmussen, Ridder, Shipoch, Talmadge, Williams, Wilson, Wojahn, Woody—24.

ENGROSSED HOUSE BILL NO. 137, 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 bill.

MOTION

On motion of Senator Clarke, the Senate returned to the fifth order of business.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 175, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives Fancher, Bond, Scott, Martinis, Flanagan and Salatino):

Modifying provisions on timber taxation.

Referred to Committee on Ways and Means.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 603, by Committee on Revenue (originally sponsored by Representatives Nelson (G), Stratton, Ellis, Granlund, Mitchell, Sherman, Kreidler, Struthers, Brown, Tilly, Erak, Wang, Salatino, Nelson (D), Williams, Garson, Gallagher, Scott, McCormick, Walk and Owen):

Creating a Washington state drug enforcement administration.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Clarke, the Senate returned to the first order of business.

MESSAGES FROM THE HOUSE

April 16, 1981.

Mr. President: The House has passed: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 603, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has passed:

SENATE BILL NO. 3238,
 SENATE BILL NO. 3239,
 SENATE BILL NO. 3250,
 SENATE BILL NO. 3262,
 ENGROSSED SENATE BILL NO. 3319,
 SENATE BILL NO. 3338,
 SENATE BILL NO. 3354,
 ENGROSSED SENATE BILL NO. 3362,
 SENATE BILL NO. 3383,
 ENGROSSED SENATE BILL NO. 3536,
 SENATE BILL NO. 3555,
 SENATE BILL NO. 3589,
 ENGROSSED SENATE BILL NO. 3595,
 SENATE BILL NO. 3626,
 ENGROSSED SENATE BILL NO. 3834,
 SUBSTITUTE SENATE BILL NO. 4319, and the same are herewith

transmitted.

VITO T. CHIECHI, Chief Clerk.

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

REPORT OF STANDING COMMITTEE

April 16, 1981.

HOUSE BILL NO. 221, authorizing county solid waste disposal districts
 (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Fleming, Haley,
 Hayner, McDermott, Ridder, Zimmerman.

MINORITY recommendation: Do not pass.

Signed by: Senators Craswell, Vice Chairman; Deccio, Pullen.

Passed to Committee on Rules for second reading.

MOTION

At 4:22 p.m., on motion of Senator Clarke, the Senate adjourned until 10:00
 a.m., Monday, April 20, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 20, 1981.

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

The Color Guard, consisting of Pages Cindy Lee and Kelly Keenan, presented the Colors. Reverend Charles Loyer, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 17, 1981.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 521,
 SUBSTITUTE HOUSE BILL NO. 571,
 SUBSTITUTE HOUSE BILL NO. 612,
 SUBSTITUTE HOUSE BILL NO. 747, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 17, 1981.

Mr. President: The House has passed:
 ENGROSSED SENATE BILL NO. 3293,
 SENATE BILL NO. 3295,
 SENATE BILL NO. 3641,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4036, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

APRIL 17, 1981.

Mr. President: The House has adopted: ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 16, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 521, by Committee on Human Services (originally sponsored by Committee on Human Services and Representative Mitchell):

Modifying licensing requirements for physicians and physicians' assistants.
 Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 571, by Committee on Labor and Economic Development (originally sponsored by Representatives Hankins, Owen, Isaacson, Grimm, Bickham, Erak, Smith, Hastings, King (R), Scott, Struthers and Heck):

Implementing law relating to control of alcoholic beverages.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 612, by Committee on Revenue (originally sponsored by Representatives Amen, Greengo, Granlund, Rinehart, Flanagan, Bond, Fancher and Clayton):

Modifying provisions on county indicated ratios.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 747, by Committee on Revenue (originally sponsored by Committee on Revenue and Representatives Greengo and Bickham):

Modifying the taxation of nonprofit youth organizations.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 16, by Representatives James, Greengo, Sommers, Chandler, Addison, Eng, Warnke, Galloway, Granlund, Dickie, Prince, Lundquist, Lewis, Clayton and Sanders:

Creating a joint regulatory oversight committee.

Referred to Committee on Rules.

MOTION

Senator Clarke moved the Committee on Rules be relieved of Engrossed Substitute Senate Bill No. 3843 and the bill be placed on the third reading calendar for today.

MOTION

Senator Bottiger moved the rules be suspended and Engrossed Substitute Senate Bill No. 3843 be returned to second reading.

Debate ensued.

MOTION

At 10:16 a.m., on motion of Senator Hayner, the Senate was declared to be at ease.

The President called the Senate to order at 12:05 p.m.

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

MESSAGES FROM THE HOUSE

April 17, 1981.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 75,

HOUSE BILL NO. 120,

SECOND SUBSTITUTE HOUSE BILL NO. 157,

SUBSTITUTE HOUSE BILL NO. 176,

HOUSE BILL NO. 181,

HOUSE BILL NO. 227,

SUBSTITUTE HOUSE BILL NO. 467,

HOUSE BILL NO. 625,

HOUSE BILL NO. 664, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 16, 1981.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 101, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 101, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The Speaker has signed: SENATE BILL NO. 4080, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The Speaker has signed:
SENATE BILL NO. 3042,
SENATE BILL NO. 3062,
SUBSTITUTE SENATE BILL NO. 3064,
SENATE BILL NO. 3065,
SENATE BILL NO. 3140,
SUBSTITUTE SENATE BILL NO. 3205,
SENATE BILL NO. 3207,
SENATE BILL NO. 3208,
SENATE BILL NO. 3303,
SUBSTITUTE SENATE BILL NO. 3320,
SENATE BILL NO. 3327,
SENATE BILL NO. 3632,
SENATE BILL NO. 3903,
SENATE JOINT RESOLUTION NO. 107, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 75,
SUBSTITUTE HOUSE BILL NO. 101,
HOUSE BILL NO. 120,
SECOND SUBSTITUTE HOUSE BILL NO. 157,
SUBSTITUTE HOUSE BILL NO. 176,
HOUSE BILL NO. 181,
HOUSE BILL NO. 227,
SUBSTITUTE HOUSE BILL NO. 467,
HOUSE BILL NO. 625,
HOUSE BILL NO. 664.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3931.

SECOND READING

SENATE BILL NO. 3931, by Senators Gaspard, Hemstad and Shinpoch (by Washington State Deferred Compensation Committee request):
Revising laws relating to deferred compensation plans.

REPORT OF STANDING COMMITTEE

March 24, 1981.

SENATE BILL NO. 3931, revising laws relating to deferred compensation plans, (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28 after "full-time" insert ", part-time"

On page 3, line 24 after "RCW 43.84.150" insert "as in effect on January 1, 1981"

On page 5, after line 8 insert a new subsection as follows:

"(3) The Committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260".

Signed by: Senators Craswell, Vice Chairman; Fleming, Gaspard, Hughes, McDermott, Pullen, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the Committee amendments were adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 3931 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, I have not studied this. Let us assume that you defer the limit, the amount the law limits you can defer, and assume you have done that for twenty years. You have quite a chunk of money put aside. Then assume that you die. Is this willable as part of your estate?"

"And then if it is willable, does it go at the chief value or do you go back the number of years since we started the plan?"

Senator Scott: "Senator, the amount you can defer in any one year is 25% of your income or no more than \$7500. It does become a part of your estate and it is treated for inheritance tax purposes the same way that the rest and residue of your estate is treated."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3931, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Kiskaddon—1.

ENGROSSED SENATE BILL NO. 3931, 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 Clarke, the Senate commenced consideration of Senate Bill No. 3592.

SECOND READING

SENATE BILL NO. 3592, by Senators Craswell and Woody:

Permitting interest payments on county revenue bonds during construction of facilities.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 3592 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3592, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 3592, 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 Clarke, the Senate commenced consideration of Senate Bill No. 4363.

SECOND READING

SENATE BILL NO. 4363, by Senators Shinpoch and Scott:

Modifying provisions relating to state funds.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 4363 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4363 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SENATE BILL NO. 4363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 143, by House Committee on Financial Institutions and Insurance and Representative Dawson:

Making miscellaneous changes in credit union laws.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Sellar, there are several bills on this calendar relating to powers and duties of credit unions and otherwise, and one of the concerns that I have is under the 'most favored lender' doctrine or regulation R or Q of the Federal regulations.

"To your knowledge, does this bill create a 'most favored lender' situation for credit unions that would affect the ability of commercial banks or the limits that might be imposed on them for interest rates?"

Senator Sellar: "To the best of my knowledge, Senator Bottiger, this bill does not. There is another bill that would do that, but this is not the one. This would put them under Title 1952, which would make them competitive with any other changes that we might make, but would not give favored lender authorization."

POINT OF INQUIRY

Senator Rasmussen: "Senator Sellar, does this bill encompass anything other than credit unions?"

Senator Sellar: "No, sir, it does not."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 143, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED HOUSE BILL NO. 143, 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.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Metcalf indicate to us when we can get the figures and the maps so that we can do our checking?"

"Senator Metcalf, Friday you told me that at 1:30 today we would have the maps and we have reserved computer time and can you tell us now what the new time will be?"

Senator Metcalf: ". . . computer problem, we had to cancel the state government meeting at 1 o'clock today, I am a little embarrassed about that. We do intend to have the maps in the hands of the members of the minority party today.

"And we intend to go ahead with the committee meeting at eight o'clock tomorrow morning. But we intend to get those maps in your hands, that is our intention."

Senator Bottiger: "Senator, if you do not; you know, I was reading the contract and I was wondering at what point you would like to join in a suit against the Rose Institute for breach."

Senator Metcalf: "I do not think it is the Rose Institute problem; it is a computer problem. If we could just, you know, I did not have a very high impression of computers when I came here and my impression, my opinion is very much lower today. Many of those gray hairs are due to nothing but computers."

Senator Bottiger: "Isn't it the software package that has the problem in it?"

Senator Metcalf: "Oh no, no it is not."

Senator Bottiger: "Where is the problem, . . . tell us?"

Senator Metcalf: "Well, the problem is the fact that the Federal government, when they do their census, does their census by census track which is utterly stupid, instead of doing them by precinct. If they did it by precinct we could, three-quarters of our time has been spent trying to get so that we know what happens when we move a line. And if we could do this by precinct, and I think we should all put pressure on the Congressmen to get them to, in 1990 have the census done by precinct and then it is easy."

"This is the problem; that is the problem it is the numbers in this state, it is not the Rose Institute."

Senator Bottiger: "Well, Senator Metcalf, the only value of the precincts is the political information. The numbers are all in the census track information. Is it converting to get the political information out that is causing the problem?"

Senator Metcalf: "We are going to get this stuff to you just as soon as we can, Senator."

MOTION

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Bill No. 3927.

SECOND READING

SENATE BILL NO. 3927, by Senators Charnley, Guess and Patterson:
Funding installation of railroad crossing protective devices.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 3927 was substituted for Senate Bill No. 3927 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 3927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3927 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Fleming, Gould, Hemstad—3.

SUBSTITUTE SENATE BILL NO. 3927, 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.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3843, by Committee on Ways and Means (originally sponsored by Senator Scott, McDermott, Jones and Hayner) (by Office of Financial Management request):

Adopting the capital budget.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 3843. The bill was substituted and amended on April 17, 1981 and passed to the Committee on Rules for third reading.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and Engrossed Substitute Senate Bill No. 3843 was returned to second reading.

On motion of Senator McDermott, an amendment to page 6, line 29 on the desk of the Secretary of the Senate was withdrawn.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Talmadge and Woody:

On page 14, after line 5 insert:

"(15) Study the feasibility and siting of one 500 bed medium security corrections center or two 250 bed medium security corrections centers at sites other than those not currently having a correctional facility previously considered as a new site for such facility during the 1979-81 biennium.

	Reappropriation	Appropriation
G.F. DSHS Constr. Acct.		\$2,194,200
Project Costs Through 6/30/81	Estimated Costs 7/1/81 and Thereafter	Estimated Total Costs \$2,194,200"

Debate ensued.

POINT OF INQUIRY

Senator Scott: "Senator McDermott, does your amendment to page 13, line 48, intend that, or speak to a 500-bed prison, or two 250-bed prisons, at a site other than Monroe? And are you speaking of different facilities than the 500-bed prison already under way, and that has been under way for several years at Monroe?"

Senator McDermott: "Senator Scott, the legislature several times, the Senate at several times, voted to continue what I think is a useless exercise in forcing 500 beds

into Monroe. This amendment is not intended to deal with the 500-bed that is presently on the drawing boards. It is planning money for facilities beyond that."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. Simply concurring in the remarks of Senator McDermott, it is designed not to impact on the present Monroe facility, but it is to be the money for those facilities that we anticipate we'll need and have been identified as the need that we have for the future, by 1985 - 1990, given our shortfall in bed space."

The motion by Senator McDermott carried and the amendment was adopted.

On motion of Senator Shinpoch, the following amendment was adopted:

On page 31, after 23 insert:

"(41) Acquire portions of riverbank on the Green River.

G.F.—ORA (HJR 52)	Reappropriation \$375,000	Appropriation \$375,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs \$750,000"

Senator Goltz moved adoption of the following amendment:

On page 68, line 16 insert:

"(9) Design the remodeling project for College Hall.

G.F. St. H. Ed. Const. Acct.	Reappropriation	Appropriation \$341,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter \$3,044,500	Estimated Total Costs \$3,386,500"

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Goltz.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

On motion of Senator Talley, the following amendment was adopted:

On page 71, after line 25 insert:

"(15) Remodel/relocate auto shop, administration and parent education facilities, Lower Columbia College.

G.F. St. H. Ed. Const. Acct.	Reappropriation	Appropriation \$391,000
Project Costs	Estimated Costs	Estimated

Through 6/30/81	7/1/83 and Thereafter	Total Costs
		\$391,000"

On motion of Senator Scott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3843 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Charnley: "Senator Scott, there are two things I would like to ask you about. On page 54, line 34-35, could you explain to me what a 'health sciences intramural dentistry clinic' is?"

Senator Scott: "We have allocated some \$437,000 for this project, but I, what line are you on, Senator?"

Senator Charnley: "Line 34, 35 on page 54, at least the copy I have. This is in the University of Washington budget."

Senator Scott: "They have had a lot of intramurals from the dentistry department up in the University in the last few years. Maybe they are resorting to padding the walls."

Senator Charnley: "You can't tell me . . ."

Senator Scott: "Senator, I can now, I remember at the time we ran our fingers down through all of these things; and it is part of the basic remodeling of what is known as 'E wing' in the health sciences complex there; and the building, as you know, most of it is about 25 years old and these are largely replacements to pipes that carry chemical fluids, electricity to accommodate the new equipment and the overloads; what the 'intramural' is about, I do not know."

Senator Charnley: "The other question is on page 56, lines 24 and 25. You provide for the completion of a new teaching building for biological sciences. As I recall, they built a new building on that campus some eight or ten years ago, not too long ago. This is the second biological sciences building, or, this is the second building?"

Senator Scott: "Yes, this is a new facility and it reflects the increased usage in the sciences at Pack Forest."

Senator Charnley: "All right. Third, last question, on page 58. It says 'acquire land for hospital laundry facility.' I know there has been considerable concern, as you well know, in the community around the University of Washington, that it keeps growing octopus-like, leapfrog-like in terms of acquiring land. Do you know where this particular land is or what is it they are acquiring that is not apparently on the present campus?"

Senator Scott: "Senator Charnley, we discussed this with Jim Ryan and it is their intent not to try and put the laundry facility, the expanded laundry facility for the additional hospital beds right on the canal. They would have to bite into the already inadequate parking, and my memory is that their intention is to get a piece of property over behind University Village where they have two other parcels."

Senator Charnley: "Well, all right. I would hope that your committee and in general, we would overview any of this type of thing because there is, I think, a valid concern in terms of the community if the University keeps spreading out and spreading out and using up land that could be better used in other ways."

Senator Scott: "Senator McDermott and I are both very conscious of that."

Senator Charnley: "I am sure you are; thank you very much."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3843, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wojahn, Zimmerman—39.

Voting nay: Senators Fleming, Goltz, Hurley, McDermott, Moore, Rasmussen, Ridder, Williams, Wilson, Woody—10.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 557, by House Committee on Human Services (originally sponsored by Representatives Mitchell, Sommers, Nisbet, Becker, Chandler, Dickie, Padden, Kreidler, Bickham, Vander Stoep, Patrick, Williams, Hankins, Owen, Fancher, Scott, Brekke, Stratton, Nickell, Rosbach, Nelson (G.), Valle, Chamberlain, Lundquist, Eberle, Martinis, Granlund, Isaacson, McCormick, Van Dyken, Hastings, Johnson, Heck, Amen, Gruger, Tilly, Bond, Struthers, James, Addison, Houchen, Clayton, Winsley, Barr and Ellis):

Prohibiting transfer of assets for the purpose of qualifying for medical assistance benefits.

REPORT OF STANDING COMMITTEE

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 557, transfer of assets for the purpose of qualifying for medical assistance benefits (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "assistance" strike everything down to and including "act" on line 20 and insert "under rules adopted by the department under chapter 34.04 RCW, providing for ineligibility"

On page 1, line 21, strike "voluntarily" and insert "knowingly and wilfully"

On page 2, line 11, after "dollars." insert "The department, by rule, shall adopt procedures to provide due process for applicants found not to qualify for medical assistance. At any hearing the department shall prove by clear and convincing evidence that the person knowingly and wilfully assigned or transferred cash or other resources at less than fair market value for the purpose of qualifying for an assistance grant."

On page 2, line 12, strike everything beginning with "NEW SECTION." down to an including "assistance." on line 34 and insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 74.09 RCW a new section to read as follows:

(1) Any person who knowingly and wilfully assigns or transfers cash or resources at less than fair market value for the purpose of qualifying for an assistance grant under RCW 74.09.510 is guilty of a gross misdemeanor.

(2) Any person who knowingly and wilfully receives cash or resources transferred or assigned by a person for less than fair market value to enable that person to qualify for medical assistance is guilty of a gross misdemeanor."

On page 1, line 4 of the title, strike "and" and after "RCW" and before the period insert "; and prescribing penalties"

On page 1, line 4 of the title, after "adding" strike "new sections" and insert "a new section"

Signed by: Senators Deccio, Chairman; Kiskaddon, McCaslin, Metcalf, Moore, Rasmussen, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator Talmadge, all committee amendments were moved for adoption and will be considered as one amendment.

Senator Bottiger moved adoption of the following amendment to the committee amendment:

On page 2 of the committee amendments, line 4, after "grant" insert "PROVIDED, That such assignment or transfer occurred not more than thirty-six months prior to the application"

Debate ensued.

The motion by Senator Bottiger carried and the amendment to the committee amendment was adopted.

On motion of Senator Talmadge, the following amendment to the committee amendment was adopted:

On page 2, line 25 of the amendment, after "misdemeanor" and before the period insert "and such a transaction is null and void"

The motion by Senator Talmadge carried and the committee amendments, as amended, were adopted.

On motion of Senator Deccio, the committee amendments to the title were adopted.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 557, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 557, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Hansen, Williams—2.

Absent or not voting: Senator Jones—1.

SUBSTITUTE HOUSE BILL NO. 557, 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.

SECOND READING

HOUSE BILL NO. 304, by Representatives Hankins, Hastings, McCormick, Isaacson, Stratton, Nisbet, Prince, Johnson, Lundquist and Garrett:

Authorizing operating agencies to maintain security forces.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment:

On page 1, line 9, after "area" insert "subject to the consent and approval of the governing body of every county in which such an area may be located"

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

Senator Lysen moved adoption of the following amendment:

On page 1, line 22, after "by the" insert "ratepayers of the Pacific Northwest through the"

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Zimmerman, Senator Lysen's amendment would read that the training . . . certification program and so forth should be paid by ratepayers of the Pacific Northwest through the operating agency. Is his amendment an incorrect statement?"

Senator Zimmerman: "I think Senator Gould seems better prepared to respond."

Senator Gould: "I guess I would have to say 'yes' and 'no' which is probably typical of making statements on WPPSS. Actually, technically, in the cases of 1, 2 and 3, which are net billed by BPA it is paid by all people within the rate system. On the other hand, with 4 and 5 it is directly only by those who are participating in those four plants, two plants I mean, 4 and 5. It is a minor technicality; we all pay for it to some degree, I suppose in both cases. . . ."

Senator Shinpoch: "Well, I think you have told me 'yes,' but some may say less than others. But that we are, the ratepayers of the Pacific Northwest will pay for this as well as a number of other things to the operating agency. And I guess, it appears to me, it is nothing more nor less than being more technically correct if you want to do that. On that basis I would support it."

POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, does that meet your concern?"

Senator Bottiger: "You are technically accurate. Any time there is an added cost or a savings, as Senator Fuller mentions, the ratepayers either benefit or pay, no matter where they are at, if they are in any of the intertie exchange agreement."

Senator Lysen: "So with just using the word 'ratepayers' it becomes technically, I should say 'ratepayers of.' Senator Shinpoch says 'ratepayers' through 'the operating agency.'"

Further debate ensued.

There being no objection, on motion of Senator Lysen, the amendment was withdrawn.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Williams was adopted:

On page 2, after line 27, insert a new subsection to read as follows:

"(4) The board of directors is accountable for the conduct of members of the security force. The board may delegate responsibility to a named individual by resolution to establish the security force. The liability of board members and the named individual is as provided by law, including but not limited to, RCW 9A.08.020."

There being no objection, the remaining amendments by Senator Lysen on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Newhouse was adopted:

On page 2, line 28, strike all of section 4.

On motion of Senator Zimmerman, the rules were suspended, House Bill No. 304, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Hurley was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 304, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Scott, Sellar, von Reichbauer, Woody, Zimmerman—33.

Voting nay: Senators Fleming, Goltz, Lysen, McDermott, Moore, Pullen, Quigg, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—15.

Excused: Senator Hurley—1.

HOUSE BILL NO. 304, 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 Clarke, the Senate commenced consideration of Second Substitute House Bill No. 338.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 338, by House Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting operating agencies to contract with nationally recognized firms without letting bids.

REPORT OF STANDING COMMITTEE

April 14, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 338, permitting operating agencies to contract with nationally recognized firms without letting bids (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.490 are each amended to read as follows:

An operating agency shall have the power to ~~((make any amendment to))~~ amend a contract previously let for the construction of ~~((the project))~~ a nuclear generating project and associated facilities, by change order or other writing, if ~~((it finds))~~ the managing director certifies to the executive board or executive committee and the executive board or executive committee finds in an open public meeting that:

(1) Such amendment is necessary to comply with applicable regulations or standards of any state or federal governmental agency, or with any change in plans or specifications recommended by the architect-engineer in charge of the project or under his (its) direction or by the managing director for the purpose of improving the safety or feasibility of the project or expediting completion of the project on the most advantageous terms in the public interest ~~((: PROVIDED, That))~~;

(2) Such amendment does not provide for a type of construction ((of a project)) basically different from that provided for in such contract;

(3) The plans and specifications for work to be performed under the contract amendment are at least fifty percent complete; and

(4) Such amendment specifies that the contractor will be compensated for actual work performed valued at its contracted cost.

Nothing in this 1981 act may be construed to bear on the validity of any contract amendment executed under the law as it existed prior to the effective date of this 1981 act or to affect any judicial proceeding arising from actions taken under such law.

This section shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

It is the long-established policy of the state of Washington that competitive bidding for construction and procurement contracts for public improvements is the best practice and is in the public interest in assuring the citizens of the state the lowest cost in obtaining these improvements. However, the legislature declares that for certain work during the final stages of construction and startup of a nuclear generating project and associated facilities it will permit award of contracts through competitive negotiation when competitive bidding is not practicable or not advantageous.

The legislature intends that negotiated contracts be limited to the final stages of construction and startup of a nuclear generating project and associated facilities.

NEW SECTION. Sec. 3. There is added to chapter 43.52 RCW a new section to read as follows:

In addition to the powers of an operating agency under other provisions of law, an operating agency may enter into a contract for work to be performed during the final stages of construction and startup through negotiation without competitive bids only if all the following conditions are first satisfied:

(1) The executive board or executive committee of the operating agency has adopted a procedure to determine when a project has reached the final stages of construction and startup. A project shall not be considered to have reached the final stages of completion and startup unless the managing director certifies that the project is approximately eighty percent or more complete calculated by the method used to determine this percentage for the purpose of disclosing relevant information under 15 U.S.C. Sec. 77 et seq. as existing on the effective date of this act.

(2) The managing director certifies in writing to the executive board or executive committee and the executive board or executive committee finds that executing a negotiated contract will accomplish completion and startup more economically, expeditiously, or safely than executing a competitively bid contract.

(3) The selection of a contractor was made in accordance with procedures adopted by the executive board or executive committee requiring competitive proposals, the request for which states the relative importance of the various evaluation factors, including professional competence of offerors, the technical merits of offers, and the price.

(4) The joint operating agency retains authority and responsibility for inspection, testing, and compliance with applicable regulations or standards of any state or federal governmental agency.

(5) The operating agency has defined in writing the roles, responsibilities, and obligations of the new contractor and any contractor who commenced any work to be reworked, performed by, or completed by the new contractor.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency may provide in any negotiated contract for payment of cost and compensation in the form of reimbursement of actual contractor's costs recognized as allowable under the contract, plus a profit or fee as set forth in the contract, only if there is compliance with the following requirements:

(1) The managing director certifies to the executive board or executive committee that it is not feasible to determine in advance what a fixed or unit contract price should be for the work, materials, or equipment to be covered by the proposed contract, either because of difficulty in defining and detailing the scope of the work to be performed, the materials, or equipment required;

(2) The executive board or executive committee finds in an open public meeting held under chapter 42.30 RCW that the contract is likely to be less costly than contracts of other types or that it is impracticable to obtain the work, materials, or equipment required except under the contract;

(3) The contract provides that:

(a) The contractor shall submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost and pricing data submitted were accurate, complete, and current as of a mutually agreed upon date which is prior to the pricing of the negotiated contract;

(b) The operating agency and the state auditor shall audit the books and records of the contractor, its subcontractors under the contract, or any person who has submitted cost or pricing data in connection with the obtaining of the contract or the performance of the contract as necessary to determine compliance with relevant provisions of law;

(c) The contract price or compensation, including any profit or fee, shall be adjusted to exclude any significant sum by which the price was increased because contractor-furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between the parties; and

(d) Notice is given to the contractor that the provisions of chapters 42.20 and 42.23 RCW apply to employees and officers of the operating agency; and

(4) Standards or guidelines are set forth in the contract for the determination of what the compensation payable to the contractor shall be, which shall not be based upon cost-plus-a-percentage-of-cost.

NEW SECTION. Sec. 5. There is added to chapter 43.52 RCW a new section to read as follows:

The administrative auditor shall file with the executive board or executive committee of the operating agency a quarterly report relating to compliance by the operating agency with sections 1 through 4 of this act. The administrative auditor shall file copies of the report with the legislative budget committee, which shall file a copy of each report with the respective chairpersons of the energy and utilities committees of the senate and house of representatives under RCW 43.52.378.

NEW SECTION. Sec. 6. There is added to chapter 43.52 RCW a new section to read as follows:

All of the provisions of Titles 9 and 9A RCW apply to actions of a joint operating agency.

NEW SECTION. Sec. 7. Section 1, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.480 are each repealed.

NEW SECTION. Sec. 8. Sections 2 through 5 of this act shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 1. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "Relating to operating agencies;" strike the remainder of the title and insert "amending section 2, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.490; adding new sections to chapter 43.52 RCW; repealing section 1, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.480; prescribing penalties; providing expiration dates; and declaring an emergency."

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Williams, Wilson, Woody.

The bill was read the second time by sections.

On motion of Senator Gould, the committee amendment was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate reconsider the vote by which the committee amendment was adopted.

MOTION

At 2:57 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 4:45 p.m.

MOTION

At 4:45 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

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

MESSAGES FROM THE HOUSE

April 20, 1981

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 96, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 264, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 302, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 374, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has passed: SUBSTITUTION HOUSE BILL NO. 17, and the same is herewith transmitted.

VITO T. CHIECHI

April 20, 1981.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 96,
SUBSTITUTION HOUSE BILL NO. 264,
SUBSTITUTION HOUSE BILL NO. 302,
SUBSTITUTION HOUSE BILL NO. 374, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 96,
SUBSTITUTION HOUSE BILL NO. 264,
SUBSTITUTION HOUSE BILL NO. 302,
SUBSTITUTION HOUSE BILL NO. 374.
There being no objection, the Senate returned to the third order of business.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 17, 1981.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LADIES AND GENTLEMEN:

I have the honor to advise you that on April 17, 1981 Governor Spellman approved the following Senate Bills entitled:

SUBSTITUTION SENATE BILL NO. 3034: Relating to volunteer firemen's relief and pensions.

SENATE BILL NO. 3052: Relating to driving records.

SENATE BILL NO. 3058: Relating to higher education.

SUBSTITUTION SENATE BILL NO. 3075: Relating to local governments.

SENATE BILL NO. 3098: Relating to public transportation services.

SUBSTITUTE SENATE BILL NO. 3150: Relating to library districts.

SENATE BILL NO. 3158: Relating to tort actions.

SENATE BILL NO. 3168: Relating to assessment of forest lands for fire suppression purposes.

SENATE BILL NO. 3170: Relating to the support of state government.

SENATE BILL NO. 3234: Relating to motor vehicle accident reports.

SENATE BILL NO. 3498: Relating to the Washington health care facilities authority.

Sincerely,
MARILYN SHOWALTER
Counsel.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 338, by House Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting operating agencies to contract with nationally recognized firms without letting bids.

The Senate resumed consideration of Second Substitute House Bill No. 338 from earlier today. The committee amendment was adopted at that time.

On motion of Senator McDermott, the Senate moved to reconsider the vote by which the committee amendment was adopted.

Senator Gould moved adoption of the following amendment by Senators Gould and Williams to the committee amendment:

On page 1 of the committee amendment, beginning on line 7, strike the remainder of the amendment through and including page 8, line 22, and insert the following:

"Section 1. Section 2, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.490 are each amended to read as follows:

An operating agency shall have the power to ~~((make any amendment to))~~ amend a contract previously let for the construction of ~~((the project))~~ a nuclear generating project and associated facilities, by change order or other writing, if ~~((it finds))~~ the managing director certifies to the executive board or executive committee and the executive board or executive committee finds in an open public meeting that:

(1) Such amendment is necessary to comply with applicable regulations or standards of any state or federal governmental agency, or with any change in plans or specifications recommended by the architect-engineer in charge of the project or under his (its) direction or by the managing director for the purpose of improving the safety or feasibility of the project or expediting completion of the project on the most advantageous terms in the public interest~~((-PROVIDED, That))~~;

(2) Such amendment does not provide for a type of construction ~~((of a project))~~ basically different from that provided for in such contract;

(3) The plans and specifications for work to be performed under the contract amendment are at least fifty percent complete; and

(4) Such amendment specifies that the contractor will be compensated for actual work performed valued at its contracted cost.

Nothing in this 1981 act may be construed to bear on the validity of any contract amendment executed under the law as it existed prior to the effective date of this 1981 act or to affect any judicial proceeding arising from actions taken under such law.

This section shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

It is the long-established policy of the state of Washington that competitive bidding for construction and procurement contracts for public improvements is the best practice and is in the public interest in assuring the citizens of the state the lowest cost in obtaining these improvements. However, the legislature declares that for certain work during the final stages of construction and startup of a nuclear generating project and associated facilities it will permit award of contracts through competitive negotiation when competitive bidding is not practicable or not advantageous.

The legislature intends that negotiated contracts be limited to the final stages of construction and startup of a nuclear generating project and associated facilities.

NEW SECTION. Sec. 3. There is added to chapter 43.52 RCW a new section to read as follows:

In addition to the powers of an operating agency under other provisions of law, an operating agency may enter into a contract for work to be performed during the final stages of construction and startup through negotiation without competitive bids only if all the following conditions are first satisfied:

(1) The executive board or executive committee of the operating agency has adopted a procedure to determine when a project has reached the final stages of construction and startup. A project shall not be considered to have reached the final stages of completion and startup unless the managing director certifies that the project is approximately eighty percent or more complete calculated by the method used to determine this percentage for the purpose of disclosing relevant information under 15 U.S.C. Sec. 77 et seq. as existing on the effective date of this act.

(2) The managing director certifies in writing to the executive board or executive committee and the executive board or executive committee finds that executing a negotiated contract will accomplish completion and startup more economically, expeditiously, or safely than executing a competitively bid contract.

(3) The selection of a contractor was made in accordance with procedures adopted by the executive board or executive committee requiring competitive proposals, the request for which states the relative importance of the various evaluation factors, including professional competence of offerors, the technical merits of offers, and the price.

(4) The joint operating agency retains authority and responsibility for inspection, testing, and compliance with applicable regulations or standards of any state or federal governmental agency.

(5) The operating agency has defined in writing the roles, responsibilities, and obligations of the new contractor and any contractor who commenced any work to be reworked, performed by, or completed by the new contractor.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency may provide in any negotiated contract for payment of cost and compensation in the form of reimbursement of actual contractor's costs recognized as allowable under the contract, plus a profit or fee as set forth in the contract, only if there is compliance with the following requirements:

(1) The managing director certifies to the executive board or executive committee that it is not feasible to determine in advance what a fixed or unit contract price should be for the work, materials, or equipment to be covered by the proposed contract, either because of difficulty in defining and detailing the scope of the work to be performed, the materials, or equipment required;

(2) The executive board or executive committee finds in an open public meeting held under chapter 42.30 RCW that the contract is likely to be less costly than contracts of other types or that it is impracticable to obtain the work, materials, or equipment required except under the contract;

(3) The contract provides that:

(a) The contractor shall submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost and pricing data submitted were accurate, complete, and current as of a mutually agreed upon date which is prior to the pricing of the negotiated contract;

(b) The operating agency and the state auditor shall audit the books and records of the contractor, its subcontractors under the contract, or any person who has submitted cost or pricing data in connection with the obtaining of the contract or the performance of the contract as necessary to determine compliance with relevant provisions of law;

(c) The contract price or compensation, including any profit or fee, shall be adjusted to exclude any significant sum by which the price was increased because contractor-furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between the parties; and

(d) Notice is given to the contractor that the provisions of chapters 42.20 and 42.23 RCW apply to employees and officers of the operating agency; and

(4) Standards or guidelines are set forth in the contract for the determination of what the compensation payable to the contractor shall be, which shall not be based upon cost-plus-a-percentage-of-cost.

NEW SECTION. Sec. 5. There is added to chapter 43.52 RCW a new section to read as follows:

The administrative auditor shall file with the executive board or executive committee of the operating agency a quarterly report relating to compliance by the operating agency with sections 1 through 4 of this act. The administrative auditor shall file copies of the report with the legislative budget committee, which shall file a copy of each report with the respective chairpersons of the energy and utilities committees of the senate and house of representatives under RCW 43.52.378.

NEW SECTION. Sec. 6. There is added to chapter 43.52 RCW a new section to read as follows:

All of the provisions of Titles 9 and 9A RCW apply to actions of a joint operating agency.

NEW SECTION. Sec. 7. The legislature believes that the new authority granted in sections 1 through 6 of this act requires strengthening of the joint operating agency board of directors, so that it may exercise a meaningful role in monitoring the decision-making process. Therefore, the legislature directs that boards of operating agencies engaged in nuclear power plant construction shall be reorganized as provided in sections 8 through 11 of this act.

Sec. 8. Section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in

the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: **PROVIDED**, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: **PROVIDED**, That the per diem compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under section 9 of this 1981 act, in which case compensation to any member shall not exceed ten thousand dollars in any year.

(2) If an operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors are limited to the following:

(a) Final authority on any decision of the operating agency to purchase or construct additional sources of power generation;

(b) Acceptance or rejection of bids or offers for bonds and the sale and issuance of bonds: PROVIDED, That the board may delegate this authority to the executive board;

(c) Appointment of a treasurer under RCW 43.52.375;

(d) Election of members to the executive board under section 9 of this 1981 act;
and

(e) Select, appoint, and establish the compensation of the outside directors as provided in section 9 of this 1981 act.

All other powers and duties of the operating agency are vested in the executive board established under section 9 of this 1981 act.

NEW SECTION. Sec. 9. There is added to chapter 43.52 RCW a new section to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing or operating a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Seven members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the seven members of the executive board elected from among the members of the board of directors so as to afford fair representation which reflects the member public utility districts' and cities' participation in the joint operating agency's projects. The board of directors may also provide by rule for the removal of a member of the executive board, including the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board.

(b) Four members of the executive board shall be outside directors and shall be selected and appointed by the board of directors. The outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors shall choose by lot two outside directors to serve two-year terms and two to serve four-year terms. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Be compensated and reimbursed for travel expenses as provided in RCW 43.52.290. Compensation shall not exceed ten thousand dollars in any year. In addition, the outside directors may be paid a consulting fee as established by the board of directors;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in any way in the financial affairs of the operating agency, including but not limited to as an investor, underwriter, or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science or be recognized experts in the construction or management of such facilities as the operating agency is constructing or operating.

(2) Nothing in this chapter may be construed to mean that an operating agency is in any manner an agency of the state.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. To the extent reasonably possible, the membership and operation of the executive board should be patterned after boards of directors of large private corporations.

(4) The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record.

(5) With respect to any operating agency existing on the effective date of this act, to which the provisions of this section are applicable:

(a) The board of directors shall elect seven members to the executive board no later than sixty days after the effective date of this act; and

(b) The board of directors shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than ninety days after the effective date of this act, and the powers and duties prescribed in RCW 43.52.375 and 43.52.378 and this section shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

Sec. 10. Section 43.52.375, chapter 8, Laws of 1965 and RCW 43.52.375 are each amended to read as follows:

The board of each joint operating agency shall by resolution appoint a treasurer. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the appointment of the treasurer shall be on the recommendation of the executive board established under section 9 of this 1981 act. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his

duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the auditor shall be appointed by the executive board. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: PROVIDED, That the board by resolution may authorize the executive (~~committee~~) board to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the (~~committee~~) executive board in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct.

Sec. 11. Section 1, chapter 220, Laws of 1979 ex. sess. and RCW 43.52.378 are each amended to read as follows:

The executive board (~~(of directors)~~) of any operating agency constructing or operating a thermal power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits, including such engineering expertise as the executive board deems necessary, which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board (~~(of directors)~~) of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures, and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design, and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

In addition to the powers and duties conferred by chapter 44.28 RCW, the legislative budget committee shall evaluate such management audits as to adequacy and effectiveness of procedure and shall consult with and make reports and recommendations to the executive board. The operating agency shall reimburse the legislative budget committee for all costs of furnishing such services.

The operating agency shall file a copy of each firm's reports, and the legislative budget committee shall file a copy of each of its reports or recommendations in a timely manner, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees. Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

NEW SECTION. Sec. 12. Section 1, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.480 are each repealed.

NEW SECTION. Sec. 13. Sections 2 through 5 of this act shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Wilson: "Senator Gould, it is obvious that a certain level of confusion prevails in the chamber. Would you be kind enough to remind us which bill is before us, and then which amendment is before us, and which amendment to the amendment is before us?"

Senator Gould: "Thank you Senator Wilson. I will start, and I see I have some support from Senator Williams in helping to clarify that.

"The bill that is before us is Second Substitute House Bill 388.

"The bill that is before us is a bill which allows the Washington Public Power Supply System to go into negotiated contracts. There was a committee amendment which would provide two changes to the original bill which had been adopted in committee and which were accepted by the WPPSS' lobbyist.

"The amendment to the amendment that we have in front of us, is almost a striking amendment. It includes those changes, in other words the bill which has been accepted to all parties, but it also includes Senate Bill 3797 which we passed a few weeks ago which reorganizes the board of directors. And that is in addition to the bill. Does that clarify . . . ?"

There being no objection, at 7:20 p.m., the Senate was declared to be at ease. The President called the Senate to order at 7:34 p.m.

POINT OF ORDER

Senator Guess: "Mr. President, on the admission of Senator Gould who says that the amendment which is being offered, is not only the bill but a bill of a different nature. This has to do with reorganizing of the board.

"And I think it is a fairly late time in the night to begin paperhanging and I would like to ask the chair for a ruling whether or not the amendment does not expand the scope and object of the original bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Second Substitute House Bill number 338 is a measure which permits joint operating agencies to negotiate contracts with nationally recognized firms for the completion of nuclear generating projects and associated facilities under certain circumstances.

"The amendment proposed by Senators Gould and Williams modifies the structure and powers of the Washington Public Power Supply System's executive board.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment by Senators Gould and Williams to the committee amendment was ruled out of order.

Senator Charnley moved adoption of the following amendment by Senators Charnley and Talmadge to the committee amendment:

On page 1 of the committee amendment, beginning on line 7, strike the remainder of the amendment through and including page 8, line 22, and insert the following:

"Section 1. Section 2, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.490 are each amended to read as follows:

An operating agency shall have the power to ~~((make any amendment to))~~ amend a contract previously let for the construction of ~~((the project))~~ a nuclear generating project and associated facilities, by change order or other writing, if ~~((it finds))~~ the managing director certifies to the executive board or executive committee and the executive board or executive committee finds in an open public meeting that:

(1) Such amendment is necessary to comply with applicable regulations or standards of any state or federal governmental agency, or with any change in plans or specifications recommended by the architect-engineer in charge of the project or under his (its) direction or by the managing director for the purpose of improving the safety or feasibility of the project or expediting completion of the project on the most advantageous terms in the public interest((-PROVIDED, That));

(2) Such amendment does not provide for a type of construction ((of a project)) basically different from that provided for in such contract;

(3) The plans and specifications for work to be performed under the contract amendment are at least fifty percent complete; and

(4) Such amendment specifies that the contractor will be compensated for actual work performed valued at its contracted cost.

Nothing in this 1981 act may be construed to bear on the validity of any contract amendment executed under the law as it existed prior to the effective date of this 1981 act or to affect any judicial proceeding arising from actions taken under such law.

This section shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

It is the long-established policy of the state of Washington that competitive bidding for construction and procurement contracts for public improvements is the best practice and is in the public interest in assuring the citizens of the state the lowest cost in obtaining these improvements. However, the legislature declares that for certain work during the final stages of construction and startup of a nuclear generating project and associated facilities it will permit award of contracts through competitive negotiation when competitive bidding is not practicable or not advantageous.

The legislature intends that negotiated contracts be limited to the final stages of construction and startup of a nuclear generating project and associated facilities.

NEW SECTION. Sec. 3. There is added to chapter 43.52 RCW a new section to read as follows:

In addition to the powers of an operating agency under other provisions of law, an operating agency may enter into a contract for work to be performed during the final stages of construction and startup through negotiation without competitive bids only if all the following conditions are first satisfied:

(1) The executive board or executive committee of the operating agency has adopted a procedure to determine when a project has reached the final stages of construction and startup. A project shall not be considered to have reached the final stages of completion and startup unless the managing director certifies that the project is approximately eighty percent or more complete calculated by the method used to determine this percentage for the purpose of disclosing relevant information under 15 U.S.C. Sec. 77 et seq. as existing on the effective date of this act.

(2) The managing director certifies in writing to the executive board or executive committee and the executive board or executive committee finds that executing a negotiated contract will accomplish completion and startup more economically, expeditiously, or safely than executing a competitively bid contract.

(3) The selection of a contractor was made in accordance with procedures adopted by the executive board or executive committee requiring competitive proposals, the request for which states the relative importance of the various evaluation factors, including professional competence of offerors, the technical merits of offers, and the price.

(4) The joint operating agency retains authority and responsibility for inspection, testing, and compliance with applicable regulations or standards of any state or federal governmental agency.

(5) The operating agency has defined in writing the roles, responsibilities, and obligations of the new contractor and any contractor who commenced any work to be reworked, performed by, or completed by the new contractor.

NEW SECTION. Sec. 4. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency may provide in any negotiated contract for payment of cost and compensation in the form of reimbursement of actual contractor's costs recognized as allowable under the contract, plus a profit or fee as set forth in the contract, only if there is compliance with the following requirements:

(1) The managing director certifies to the executive board or executive committee that it is not feasible to determine in advance what a fixed or unit contract price should be for the work, materials, or equipment to be covered by the proposed contract, either because of difficulty in defining and detailing the scope of the work to be performed, the materials, or equipment required;

(2) The executive board or executive committee finds in an open public meeting held under chapter 42.30 RCW that the contract is likely to be less costly than contracts of other types or that it is impracticable to obtain the work, materials, or equipment required except under the contract;

(3) The contract provides that:

(a) The contractor shall submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost and pricing data submitted were accurate, complete, and current as of a mutually agreed upon date which is prior to the pricing of the negotiated contract;

(b) The operating agency and the state auditor shall audit the books and records of the contractor, its subcontractors under the contract, or any person who has submitted cost or pricing data in connection with the obtaining of the contract

or the performance of the contract as necessary to determine compliance with relevant provisions of law;

(c) The contract price or compensation, including any profit or fee, shall be adjusted to exclude any significant sum by which the price was increased because contractor-furnished cost or pricing data was inaccurate, incomplete, or not current as of the date agreed upon between the parties; and

(d) Notice is given to the contractor that the provisions of chapters 42.20 and 42.23 RCW apply to employees and officers of the operating agency; and

(4) Standards or guidelines are set forth in the contract for the determination of what the compensation payable to the contractor shall be, which shall not be based upon cost-plus-a-percentage-of-cost.

NEW SECTION. Sec. 5. There is added to chapter 43.52 RCW a new section to read as follows:

The administrative auditor shall file with the executive board or executive committee of the operating agency a quarterly report relating to compliance by the operating agency with sections 1 through 4 of this act. The administrative auditor shall file copies of the report with the legislative budget committee, which shall file a copy of each report with the respective chairpersons of the energy and utilities committees of the senate and house of representatives under RCW 43.52.378.

NEW SECTION. Sec. 6. There is added to chapter 43.52 RCW a new section to read as follows:

All of the provisions of Titles 9 and 9A RCW apply to actions of a joint operating agency.

NEW SECTION. Sec. 7. The legislature believes that the new authority granted in sections 1 through 6 of this act significantly reduces public competition and disclosure requirements for contract awards and changes, and should be balanced by strengthening public information regarding the obligations of local utilities and rate impacts of projects of operating agencies. Therefore, the legislature directs that participants in operating agency projects shall inform their ratepayers of such obligations and rate impacts in the manner provided in sections 8 and 9 of this act.

Sec. 8. Section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants, or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption, and registration of such bonds or warrants; provided, however, that at least once each year a public rate hearing shall be held by each municipal corporation, cooperative, and mutual in such project, to receive testimony and advise ratepayers and utility management of the effect of the project upon the electric rates of the utility and upon the ability of the utility to finance other projects; and the status thereof as negotiable

instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks, and insurance companies doing business in this state.

NEW SECTION. Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

Each municipal corporation, cooperative, and mutual participating with a joint operating agency in a project or projects subject to certification under chapter 80.50 RCW is required to inform its ratepayers as to the rate impacts of its participation in any such project or projects. At least semiannually, any such operating agency shall prepare an analysis of the contribution of the projects' financing to projected rate increases required by each participating public utility. Each participating municipal corporation, cooperative, and mutual shall include a notice of that analysis in a regular billing statement to its customers at least semiannually; but for any public utility which bills less than semiannually, such notice may be mailed under separate cover. The form of such notice shall be substantially as follows:

NOTICE OF PROJECTED RATE INCREASE

(Name of municipal corporation, cooperative, or mutual), an energy monopoly established under chapter (RCW citation applicable to utility publishing notice) RCW, is participating in (name of operating agency) project(s) (name of projects).

(Name of municipal corporation, cooperative, or mutual)'s share of the obligation is \$(dollar amount of share). This obligation will be repaid through rates charged for electric power.

Your electric rates are expected to be affected as follows:

YOUR PRESENT RATE

\$(current electric charge for customer class in question, in cents/kwh)

YOUR ELECTRIC BILL FOR THIS (BILLING PERIOD)

\$(amount of billing for statement with which the notice is enclosed)

YOUR PROJECTED RATE INCLUDING ALL COSTS OF THIS PROJECT (THESE PROJECTS)*

\$(projected ultimate rate in current dollars for customer necessary to pay project(s) in cents/kwh)

YOUR ELECTRIC BILL FOR THIS (BILLING PERIOD), IF YOU PAID THE PROJECTED RATE NOW AND USED THE SAME AMOUNT OF ELECTRICITY*

\$(amount of billing in current dollars for electricity used in period covered by statement with which the notice is enclosed, valued at the projected rate)

*These projected increases are in real dollars, and do not account for inflation.

NEW SECTION. Sec. 10. Section 1, chapter 28, Laws of 1977 ex. sess. and RCW 43.52.480 are each repealed.

NEW SECTION. Sec. 11. Sections 2 through 5 of this act shall expire on December 31, 1987, or on the date that construction is completed on those nuclear generating projects which are under construction by any joint operating agency on the effective date of this act, whichever is sooner.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator Guess: "I find it very painful, that I have to raise the scope and object on the amendment. It is totally out of order; hasn't got anything to do with the original bill and I think this is a delaying tactic I hate very much to see on the floor. But, Mr. President, I would raise the point of order on the bill that it does enlarge the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Guess, the President finds that Second Substitute House Bill number 338 is a measure which permits joint operating agencies to negotiate contracts with nationally recognized firms for the completion of nuclear generating projects and associated facilities under certain circumstances.

"The amendment proposed by Senators Charnley and Talmadge deals with informing utility ratepayers of the impact on their rates of joint operating agency obligations.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment by Senators Charnley and Talmadge to the committee amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the committee amendment on reconsideration.

The committee amendment on reconsideration was adopted.

The committee amendment to the title was adopted.

On motion of Senator Gould, the rules were suspended, Second Substitute House Bill No. 338, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 338, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Williams, Wilson, Woody, Zimmerman—33.

Voting nay: Senators Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Wojahn—15.

Absent or not voting: Senator Talley—1.

SECOND SUBSTITUTE HOUSE BILL NO. 338, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 339, by House Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting certain provisions and revenue bonds and warrants issued by operating agencies.

REPORT OF STANDING COMMITTEE

April 14, 1981.

SUBSTITUTE HOUSE BILL NO. 339, permitting certain provisions and revenue bonds and warrants issued by operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means Canada or any province thereof.

"Operating agency" or "joint operating agency" means a municipal corporation created pursuant to RCW 43.52.360, as now or hereafter amended.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

"Revenue bonds or warrants" means bonds, notes, bond anticipation notes, warrants, certificates of indebtedness, commercial paper, refunding or renewal obligations, payable from a special fund or revenues of the utility properties operated by the joint operating agency.

Sec. 2. Section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to

the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. However, for revenue bonds or warrants issued by an operating agency, the provisions under RCW 54.24.030 relating to additional or alternate methods for payment may be made a part of the contract with the holders of any revenue bonds or warrants of an operating agency. The board may authorize the managing director or the treasurer of the operating agency to sell revenue bonds or warrants maturing one year or less from the date of issuance, and to fix the interest rate or rates on such revenue bonds or warrants with such restrictions as the board shall prescribe.

NEW SECTION. Sec. 3. The legislature believes that the new authority granted in the 1981 amendment of RCW 43.52.250 and 43.52.3411 requires a prudent review of the status of those nuclear projects which are in the early stages of construction and financing on the effective date of this act. Therefore, the study prescribed in sections 4 through 8 of this act is authorized, to examine project financing, estimate the amount necessary to finance, assess the need for financing the projects, as compared to cost-effective alternatives, and determine the electric rate impacts of the projects to be financed. The legislature directs that an independent study shall be made of the feasibility of completion and operation of the Washington Public Power Supply System (WPPSS) Nuclear Projects Nos. Four and Five, which are the least advanced in construction of the five WPPSS projects.

NEW SECTION. Sec. 4. The study shall include, but not be limited to the following:

(1) The probability of successful financing of plant construction, including analysis of inflation effects, probable interest rates, future monetary policy, market reaction to financing arrangements, and risks associated with such financing arrangements;

(2) The probable ultimate costs and schedule for completing each plant assuming that: (a) Construction continues without a deferral, and (b) construction is completed after a deferral lasting as long as ten years;

(3) The probable cost of power produced by each plant throughout the period of plant operation;

(4) The electric rates that are to be expected assuming that each plant is completed according to the determinations under subsection (2) of this section, including costs of substitutes for the outputs of each plant if the plant's completion is subject to a deferral, the plant is not completed, or the plant ceases operation before the plant is finally amortized;

(5) The need for projected output of each plant considering projected demand for electricity, other supply or conservation programs that will be initiated during the period before each plant would be on line, and the availability of and potential for using alternative resources and conservation in new programs which could be undertaken;

(6) The market for and probable rate at which surplus electricity, if any, could be sold outside the Pacific Northwest region; and

(7) The cost-effectiveness of available energy alternatives as compared to continued investment in each plant, considering among other factors life cycle costs, time of availability, and options for the disposition of uncompleted plants.

NEW SECTION. Sec. 5. The legislature intends that the study described in section 4 of this act shall be managed and conducted by an independent research unit, recognized both for expertise in the investigation of electric energy supply and demand in the Pacific Northwest, particularly the process of electric generation by nuclear fission, and for objectivity in past research. The joint Washington energy research center of the University of Washington and Washington State University shall conduct this study through its affiliate office of applied energy studies of Washington State University. A study director shall be appointed by Washington State University. The study director shall contract with nationally recognized expert and disinterested consultants as needed for expeditious completion of the study. WPPSS shall provide unrestricted access to its personnel and records to the persons, including consultants, conducting the study.

The legislative budget committee shall monitor the fiscal administration of the study described in section 4 of this act and may require adherence to such fiscal practices as are appropriate to the needs of the state and the intent of this section and section 3 of this act.

The study director shall assemble an advisory panel which shall provide technical advice and support for the study. Experts from the private sector in the fields of public works construction and finance shall be included on the panel.

NEW SECTION. Sec. 6. The study required by section 4 of this act is needed as expeditiously as possible and shall be completed by March 15, 1982. The study director shall report periodically upon the concurrent request of the chairmen of the energy and utility committees of the senate and the house of representatives regarding study progress and preliminary findings and shall provide a draft report to the Washington state legislature by January 31, 1982.

A full report of the findings and recommendations in the study shall be submitted by the office of applied energy studies of the Washington energy research center to the governor, the speaker of the house of representatives, the president of the senate, the chairmen of the energy and utilities committees of the senate and house of representatives, the managing director and the president of the board of directors of the Washington Public Power Supply System, and the governing body of each participant in the projects.

NEW SECTION. Sec. 7. There is hereby appropriated to Washington State University the sum of one million five hundred thousand dollars or so much thereof as is necessary for the 1981-1983 biennium from the state general fund to be used for the sole purpose of paying the costs of conducting the study under section 4 of this act.

NEW SECTION. Sec. 8. The Washington Public Power Supply System shall reimburse the state general fund in the amount of one million five hundred thousand dollars or so much thereof as is paid from the state general fund to Washington State University for the sole purpose of conducting the study which is the subject of section 4 of this act and such reimbursement shall be made to the state general fund upon completion of the study, but in no event later than June 30, 1982. The moneys reimbursed shall be considered part of the costs of construction of WPPSS projects Nos. Four and Five.

Sec. 9. Section 43.52.343, chapter 8, Laws of 1965 and RCW 43.52.343 are each amended to read as follows:

All bonds issued by an operating agency shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the board shall deem in the best interests of the operating agency, whether by negotiation or to the highest and best bidder after such advertising for

bids as the board of the operating agency may deem proper: PROVIDED, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 5 of the title, after "43.52.3411;" strike "repealing" and insert "amending"

On page 1, line 6 of the title, after "43.52.343;" insert "creating new sections; making an appropriation;"

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Williams, Wilson, Woody.

The bill was read the second time by sections.

Senator Gould moved adoption of the committee amendment.

POINT OF ORDER

Senator Sellar: "Mr. President, the Senate committee amendment which is submitted, is a striking amendment and has incorporated a totally different Senate bill as sections 3 through 8 deal with an entirely separate issue, past previously in Senate Bill 3972.

"I would respectfully challenge the scope and object of sections 3 through 8, expand the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Sellar, the President finds that Substitute House Bill 339 is a measure which relates to the financing of nuclear power plants operated by a joint operating agency, namely the Washington Public Power Supply System.

"The amendment proposed by the Senate committee on energy and utilities provides for a study of the availability and feasibility of such financing.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken.

The committee amendment was ruled to be in order.

Senator Williams moved adoption of the following amendment to the committee amendment:

On page 3, line 38, following "of" strike "any" and on line 39 following "agency" insert "maturing in not less than six years from the date of issuance"

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute House Bill No. 339 together with the pending amendments was ordered held for consideration at a later time.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 677.

SECOND READING

ENGROSSED HOUSE BILL NO. 677, by House Committee on Transportation and Representatives Schmidt, Wilson, Eberle, Houchen, Owen, McCormick, James, Lundquist, and Nisbet and Berleen:

Granting emergency powers to the governor to operate the Puget Sound ferry and toll bridge system.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment:

On page 1, line 10, after "system" insert ": PROVIDED, That the governor shall not intervene while collective bargaining or any dispute resolution mechanism, including binding arbitration, is in active progress"

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Guess, observing the hour, Senator, and your comments about 'eyes wide open,' and people being kept away from their homes night after night, there might indeed be some concern for emergency powers in order to take care of that particular problem."

Senator Guess: "Senator, I imagine before you go home, you will be going home in the daylight, so the birds will be singing as they did the other morning at 5 o'clock when I walked into the house."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

Senators Clarke, Jones and Hayner demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber.

Senator Bottiger demanded a roll call.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, is that question debatable?"

REPLY BY THE PRESIDENT

President Cherberg: "The question is not debatable, Senator."

The demand for the roll call was sustained.

The President declared the question before the Senate to be the roll call on the Call of the Senate.

ROLL CALL

The Secretary called the roll and the demand for the Call of the Senate was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

CALL OF THE SENATE

The Secretary called the roll and announced to the President that all Senators were present.

MOTION

On motion of Senator Clarke, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott to page 1, line 10.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator von Reichbauer moved adoption of the following amendment by Senators von Reichbauer and Patterson:

On page 1, line 10, after "system" insert the following:

"In the event of such an emergency, the governor may assume all the powers granted by law to the transportation commission and department of transportation with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels."

POINT OF INQUIRY

Senator Talmadge: "Would Senator von Reichbauer yield?"

President Cherberg: "Senator von Reichbauer declines."

Senator Talmadge: "Mr. President and members of the Senate.

"We all swear an oath when we are elected to the state Senate to observe the Constitution of the state of Washington. One of the provisions of the Constitution of the state of Washington is that we cannot pass a law that impairs the obligation of contracts. I believe Senator von Reichbauer swore that oath like all of us did.

"The key concern that I have here is if a contract provides that there shall be no contracting out of the service during the pendency of the collective bargaining agreement, then what we are doing if this amendment is adopted, is impairing the obligation of a contract between the state of Washington and the unions involved.

"Perhaps Senator von Reichbauer, in not answering the direct question, would respond to that concern."

Senator Bottiger demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

On motion of Senator Quigg, the following amendment by Senators Quigg and Lysen was adopted on a rising vote:

On page 1, line 21, after "immediately." insert the following:

"**NEW SECTION.** Sec. 4. Chapter 31, Laws of 1961, and RCW 47.60.120 are each amended to read as follows:

~~((In the event the authority acquires or constructs, maintains and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the authority. The authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the authority, without first acquiring the rights granted to such franchise holder under said franchise.))~~

While any revenue bonds issued by the authority under the provisions of this chapter are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its department, agencies and instrumentalities, ~~((as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions,))~~ and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

NEW SECTION. Sec. 5. There is added to Chapter 47.60 RCW a new section to read as follows:

Notwithstanding any other provision of law, there shall be free and open competition of vessel or ferry operators for public hire on the waters of Puget Sound.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- 1) Chapter 14, laws of 1961 and RCW 81.84.010;
- 2) Chapter 14, laws of 1961 and RCW 81.84.020;
- 3) Chapter 14, laws of 1961 and RCW 81.84.030;
- 4) Section 14, chapter 115, laws of 1961 and RCW 81.84.040;
- 5) Chapter 14, laws of 1961 and RCW 81.84.050."

PARLIAMENTARY INQUIRY

Senator McDermott: "Mr. President, when we are under a Call of the Senate, is 27-20 sufficient?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Senator Vognild moved adoption of the following amendment by Senators Vognild, McDermott, Conner, Talmadge, Bottiger, Charnley and Moore:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. It is the purpose of sections 1 through 6 of this act to prevent strikes by marine employees while preserving their noncivil service status and providing for a fair and impartial arbitration procedure for the resolution of contractual disputes.

NEW SECTION. Sec. 2. Nothing contained in this chapter constitutes a grant of the right to strike by any marine employee or group of marine employees, and such strikes are hereby expressly prohibited.

NEW SECTION. Sec. 3. If no agreement between an employer and the exclusive bargaining representative of marine employees has been reached after a reasonable period of negotiations and mediation, if voluntarily requested by one or both of the parties, and the executive director appointed under RCW 41.58.015 finds that the parties remain at impasse, then an arbitration panel shall be created to resolve the dispute. Within five days following the issuance of the determination of the executive director, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within three days following their appointments to attempt to choose a third member to act as the neutral chairman of the arbitration panel. Upon the failure of the arbitrators to select a neutral chairman within five days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) either party may apply to the commission, the federal mediation and conciliation service or the American Arbitration Association to provide a list of five qualified arbitrators from which the neutral chairman shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chairman shall be shared equally between the parties. Neither of these two methods may exceed five additional days.

The arbitration panel so constituted shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute: PROVIDED, That the requirements of chapter 34.04 RCW do not apply to such notice. A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chairman of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel shall have the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof. The hearing conducted by the arbitration panel shall be concluded

within fifteen days following the selection or designation of the neutral chairman of the arbitration panel.

The neutral chairman shall consult with the other members of the arbitration panel and, within fifteen days following the conclusion of the hearing, the neutral chairman shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on the commission, on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute a different method to be used by the arbitration panel in reaching its decision such as a final offer package or an issue arbitration system.

NEW SECTION. Sec. 4. In making its determination, the panel shall be mindful of the legislative purpose enumerated in section 1 of this act and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

- (1) The constitutional and statutory authority of the employer;
- (2) Stipulations of the parties;
- (3) Comparison of the wages, hours, and conditions of employment of the marine employees involved in the proceedings with the wages, hours, and conditions of employment of marine employees in comparable jurisdictions in the public and private sectors;
- (4) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment.

NEW SECTION. Sec. 5. During the pendency of the proceedings before the arbitration panel, existing wages, hours, and other conditions of employment shall not be changed by action of either party without the consent of the other, but a party may so consent without prejudice to the party's rights or position under sections 1 through 6 of this act.

NEW SECTION. Sec. 6. If the representatives of either or both the exclusive bargaining agent and the employer refuse to submit to the procedures set forth in section 3 of this act, the parties, or the commission on its own motion, may invoke the jurisdiction of the superior court for the county where the labor dispute exists, and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the commission in the superior court for the county where the labor dispute exists.

NEW SECTION. Sec. 7. The provisions of sections 1 through 6 of this act relating to marine employees are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. If any provision of sections 1 through 6 of this act conflicts with any other statute, ordinance, rule, or regulation as it relates to marine employees, the provisions of sections 1 through 6 of this act shall control.

Sec. 8. Section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter 125, Laws of 1979 and RCW 41.05.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW ((~~41.05.020~~) 41.05.025).

(2) "Employee" shall include all full time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service, other than any person defined as an employee under RCW 47.64.010; elected and appointed officials of the executive branch of government, including full time members of boards, commissions, or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan, and also includes a health maintenance organization holding a valid certificate of registration under chapter 48.46 RCW.

(4) "Trustee" shall mean the director of personnel.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are added to chapter 47.64 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator von Reichbauer: "Mr. President, I believe that the amendment to Engrossed House Bill 677 broadens the scope and object of the intent of the bill.

"Mr. President and members of the Senate. Engrossed House Bill 677 adds new sections to chapter 47.60 RCW which are concerned solely with the exercise of emergency powers over the ferry system by the governor.

"This amendment, offered by Senator Vognild, adds new sections to chapter 47.64, a different chapter concerned solely with labor relations. The amendment clearly expands the scope and object of the bill and should be ruled out of order."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator von Reichbauer, the President finds that Engrossed House Bill No. 677 is a measure which grants emergency powers to the Governor to operate the Puget Sound ferry and toll bridge system.

"The amendment proposed by Senator Vognild and others deals with the distinct subject of establishing procedures for binding arbitration for ferry workers.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator Vognild and others was ruled out of order.

Senator Lysen moved adoption of the following amendment:

On page 1, line 14, insert:

"The Washington ferry system shall be taken out of the Washington state department of transportation and reestablished in the toll bridge authority."

Senator von Reichbauer moved the amendment by Senator Lysen be laid upon the table.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator von Reichbauer that the amendment be laid upon the table.

ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody—23.

On motion of Senator Quigg, the following amendments to the title were considered and adopted simultaneously:

On page 1, line 1, after "system" insert "amending Chapter 31, Laws of 1961, and RCW 47.60.120"

On page 1, line 2, after "adding" strike "a new section" and insert "new sections"

On page 1, line 2, after "47.60 RCW;" insert "repealing Chapter 14, laws of 1961 and RCW 81.84.010; Chapter 14, laws of 1961 and RCW 81.84.020; Chapter 14, laws of 1961 and RCW 81.84.030; Section 14, chapter 115, laws of 1961 and RCW 81.84.040; Chapter 14, laws of 1961 and RCW 81.84.050;"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed House Bill No. 677, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 677, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Wojahn, Woody—23.

ENGROSSED HOUSE BILL NO. 677, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 203, by House Committee on Appropriations—General Government and Compensation (originally sponsored by House Committee on Appropriations—General Government and Compensation and Representative Williams) (by Office of Financial Management request):

Providing for fire protection for state-owned buildings.

The bill was read the second time by sections.

Senator Vognilid moved adoption of the following amendment by Senators Vognilid, Wojahn, Bottiger, Conner, Talley and Talmadge:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. The legislature finds that fire protection services have lacked a comprehensive state-level focus. This has resulted in a lack of cooperation and coordination between local and state agencies. The purpose of this chapter is to create a broadly representative state board which will: (1) Advise and assist

local fire protection agencies in program development without encroaching upon their historic autonomy; (2) centralize traditional state fire protection services under the jurisdiction of a single state board; and (3) advise the governor and the legislature on fire protection matters in this state.

NEW SECTION. Sec. 2. There is created the state fire protection board consisting of the following nine members appointed by the governor with the advice and consent of the senate:

(1) Two fire chiefs. One fire chief shall be from a fire department east of the Cascade mountains and one shall be from a fire department west of the Cascade mountains. In making these appointments, the governor shall consider the recommendations of the Washington state association of fire chiefs;

(2) One insurance industry representative. In making this appointment, the governor shall consider the recommendations of the Washington insurance council;

(3) One representative of cities and towns. In making this appointment, the governor shall consider the recommendations of the association of Washington cities;

(4) One representative of counties. In making this appointment, the governor shall consider the recommendations of the Washington state association of counties;

(5) One full-time fire fighter. In making this appointment, the governor shall consider the recommendations of the Washington state council of fire fighters;

(6) One volunteer fire fighter. In making this appointment, the governor shall consider the recommendations of the Washington state fire fighters association;

(7) One fire commissioner. In making this appointment, the governor shall consider the recommendations of the Washington fire commissioners association; and

(8) One representative of business and industry. In making this appointment, the governor shall consider the recommendations of the association of Washington business.

The commissioner of public lands, the insurance commissioner, and the director of emergency services, or their designees, are nonvoting ex officio members of the state fire protection board.

NEW SECTION. Sec. 3. Each voting member of the state fire protection board shall be appointed to a term of three years and until a successor is appointed and qualified. However, in making the initial appointments to the board, the governor shall stagger the terms of office by appointing three members to terms of one year, three members to terms of two years, and three members to terms of three years. In the case of a vacancy, the governor shall fill the unexpired term of the member whose office has become vacant. An office shall become vacant whenever a member ceases to be employed in the occupation the member was appointed to represent.

NEW SECTION. Sec. 4. Each voting member of the state fire protection board, other than a full-time employee of a governmental agency, is entitled to fifty dollars for each day or portion thereof engaged in the business of the board. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 5. The governor shall select one member of the board to serve as chairperson. The board shall be convened at least six times annually at the call of the chairperson or a majority of the board. A majority of the board constitutes a quorum for the transaction of business.

NEW SECTION. Sec. 6. The state fire protection board shall:

(1) Establish suggested minimum standards with respect to physical requirements and education and training of fire service personnel;

(2) Establish suggested minimum standards for fire apparatus and equipment;

(3) Establish suggested minimum performance standards for all grades of fire service personnel;

(4) Adopt and implement a state fire protection master plan;

(5) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(6) Review the duties, responsibilities, and authority of state agencies and departments that deal with fire and life safety and make such recommendations to the governor and the legislature that will eliminate duplication and fragmentation of fire protection services;

(7) Establish and promote state arson control programs and encourage development of local arson control programs including formation of local and regional arson task forces;

(8) Represent fire protection services in all state level fire protection planning in matters such as, but not limited to, hazardous materials;

(9) Establish and promote programs of fire safety education for school systems and the public;

(10) Coordinate interaction between the department of natural resources, federal fire protection agencies operating within the state, and political fire protection subdivisions of the state in matters pertinent to common concerns;

(11) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(12) When funds are available, make grants for use in pursuing the board's objectives;

(13) Promote mutual aid and disaster planning for fire services in this state;

(14) Disseminate within the state information concerning the amount of fire damage, including that damage caused by arson, and its causes and prevention;

(15) Make studies, reports, and recommendations to the governor and the legislature when requested or warranted; and

(16) Adopt such rules as necessary for the administration of this chapter.

NEW SECTION. Sec. 7. The state fire protection board shall:

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and provide state-wide fire service training and education courses, including courses in arson detection and investigation, for personnel of fire, police, and prosecutors' departments;

(3) Construct, equip, maintain, and operate necessary fire service training and education facilities. The board's authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(4) Purchase, lease, rent, or otherwise acquire real estate necessary to establish and operate fire service training and education facilities in the manner provided by law;

(5) Cooperate with the common schools, the community colleges, the institutions of higher education, and any department or division of the state or of any county or municipal corporation, in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof, and in establishing, building, and operating training and education facilities;

(6) Administer the funds provided by the federal government and by the state under any federal or state acts for the promotion of fire service training and education;

(7) Adopt and implement a state fire training and education master plan; and

(8) Establish a certification program for fire service personnel available to any state or local governmental agency which elects to participate.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee under rules established by the board.

NEW SECTION. Sec. 8. The state fire protection board shall sit as a board of appeals on the application of the state fire marshal's regulations by the state fire marshal. When an affected person believes that the regulations are being applied incorrectly, the person may appeal the decision of the state fire marshal to the board. The board shall not consider an appeal unless the matter has come to the attention of the state fire marshal in writing and the state fire marshal has rendered a decision in writing. An appeal to the board shall be made by the affected person or the affected person's agent in writing in the form and manner prescribed by the board. The decision of the board shall be binding on the state fire marshal.

Appeals to the board shall be conducted in accordance with chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 9. The board shall determine the qualifications of and appoint a director of fire protection, who shall receive a salary as fixed by the governor in accordance with RCW 43.03.040. The board may delegate to the director the powers and duties of the board described in sections 6 and 7 of this act.

NEW SECTION. Sec. 10. The director shall appoint and supervise:

(1) An assistant director to serve as state fire marshal responsible for carrying out the duties prescribed by law to that office and any other duties assigned by the director;

(2) An assistant director to serve as administrator of fire service training and education responsible for carrying out the duties prescribed in section 7 of this act and any other duties assigned by the director; and

(3) All additional staff necessary to carry out functions under the board's jurisdiction, including deputy state fire marshals and resident fire marshals who shall meet the minimum certification standards established by the board.

Sec. 11. Section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ((~~commission for vocational education~~)) state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 12. Section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ((~~commission for vocational education~~)) state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training

center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 13. Section 1, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the (~~commission for vocational education~~) state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 14. Section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the (~~commission for vocational education~~) state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 15. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner pertaining to the office of the state fire marshal shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner in carrying out the powers and duties of the state fire marshal shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with the state fire marshal's office shall be assigned to the state fire protection board.

Any appropriations made to the insurance commissioner for the purpose of carrying out the powers and duties of the state fire marshal, shall, on the effective date of this act, be transferred and credited to the state fire protection board for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 16. All classified employees of the state fire marshal's office are transferred to the jurisdiction of the state fire protection board. All such employees shall be subject to chapter 41.06 RCW, the state civil service law, and shall be assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that

may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 17. All rules and regulations and all pending business before the state fire marshal's office on the effective date of this act shall be continued and acted upon under the jurisdiction of the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 18. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 19. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education and pertaining to fire service training shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in fire service training shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with fire service training shall be assigned to the state fire protection board.

Any appropriations made to the commission for vocational education for fire service training shall, on the effective date of this act, be transferred and credited to the state fire protection board.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 20. All classified employees of the commission for vocational education engaged in fire service training are transferred to the jurisdiction of the state fire protection board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 21. All rules and regulations and all pending business before the commission for vocational education pertaining to fire service training shall be continued and acted upon by the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 22. The transfer of the powers, duties, functions, and personnel of the commission for vocational education pertaining to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 23. If apportionments of budgeted funds are required because of the transfers directed by sections 15 through 22 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 24. The provisions of this chapter do not apply to forest fire programs of the department of natural resources.

NEW SECTION. Sec. 25. Sections 1 through 10 and 24 of this act are each added to chapter 48.48 RCW.

Sec. 26. Section 4, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.040 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the state fire marshal (~~(in the manner prescribed under RCW 48.05.320)~~), upon forms prescribed and furnished by the state fire marshal, concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the state fire marshal under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

NEW SECTION. Sec. 27. Sections 1 through 29 of this act shall take effect on January 1, 1982. However, to insure that sections 1 through 29 of this act are fully implemented on their effective date, the state fire protection board and its director shall be appointed in accordance with this act by October 1, 1981.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04.140;
- (2) Section .05.32, chapter 79, Laws of 1947 and RCW 48.05.320;
- (3) Section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010;
- (4) Section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020;
- (5) Section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; and
- (6) Section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130."

POINT OF ORDER

Senator Scott: "Mr. President, I would raise the question of scope and object on the amendment.

"As to scope, the bill is a very narrowly defined bill having to do with the state contracting with local agencies for fire protection in state-related buildings.

"This amendment broadens the bill several times over by rearranging the governance of the whole fire protection system state-wide, along the lines that Senator Vognild indicated, and I think that it enlarges the bill several times over."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Scott, the President finds that Substitute House Bill No. 203 is a measure which has as its only purpose the repeal of a statute which requires state agencies and institutions to contract with local governments for fire protection services.

"The amendment proposed by Senator Vognild makes a major change to state law by transferring the power for enforcement of the state's fire codes from the State Fire Marshal's Office to a newly created State Fire Protection Board.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senators Vognild and others was ruled out of order.

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Craswell yield to a question?"

President Cherberg: "Senator Craswell declines."

POINT OF INQUIRY

Senator Goltz: "I am curious as to what the effect of initiative 62 is, if we have an obligation under the law, and then repeal the obligation. I just am puzzled, I guess, as to whether or not we haven't an initiative 62 issue in this bill? It seems to me that if we have an obligation by law in place, and require the state to pay for local government services, such as fire protection for state institutions located within those districts, and repeal the law, and if we still expect fire protection from those local government jurisdictions, that initiative 62 might take over where the law now is in place.

"And I am asking somebody if there is a point of law here that we should be concerned about?"

Senator Wilson: "Senator Goltz, I think the answer to your question, in all seriousness, is uncertain. Initiative 62 is very clear in saying that when the state mandates new programs for higher levels of service upon local government, it has an obligation to pay for them.

"Well, in a direct and simplistic sense, we are not doing either of those under terms of this bill. I think the question you posed underlines the desirability of passing a bill which clearly implements section 6 of initiative 62. That was one of the tasks we were unable to accomplish at this session, but I suggest the sooner we do that the better and the less uncertainty we will have in this body when questions such as the one you asked, come up."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 203 and the bill failed to pass the Senate by the following vote: Yeas, 10; nays, 39.

Voting yea: Senators Bluechel, Clarke, Craswell, Deccio, Lee, McCaslin, Metcalf, Newhouse, Scott, Zimmerman—10.

Voting nay: Senators Bauer, Benitz, Bottiger, Charnley, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McDermott, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—39.

SUBSTITUTE HOUSE BILL NO. 203, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Bottiger, Substitute House Bill No. 339 was made a special order of business for 10:00 p.m. this evening.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561, by House Committee on Ways and Means (originally sponsored by Committee on Ways and Means and Representatives Williams and Chandler) (by Office of Financial Management request):

Providing for the allotment of local funds of state agencies.

REPORT OF STANDING COMMITTEE

April 9, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561, providing for the allotment of local funds of state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:
On page 10, line 27, strike all of New Section 7.

Renumber the remaining sections accordingly.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Haley, Hayner, Jones, Lee, McDermott, Ridder, Wojahn.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendment was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute House Bill No. 561, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hansen: "Senator Shinpoch, I notice in our Ag budget the money to run the department was deleted and the biggest part of the agriculture budget are user fees.

"Is this any way clarifying that it isn't a state obligation for the administration of the department could go back and be added to the industry for user fees in that department? Could that be included in this bill?"

Senator Shinpoch: "Not in any way that I am aware of. We do make provisions in this bill for things such as the commodity groups. The budget and accounting act will now cover nonappropriated funds not in the state treasury; but that does not count the commodities which are in the state treasury.

"As far as I know, they will continue to be appropriated or handled in the same manner they have always been handled. I do not know of anything that this would do and this is basically a reporting bill. I do not know anything that this would do that would impact that."

Senator Hansen: "I would hope not because I know our commodity groups are on that telephone to me every day, wanting to know, or run an amendment to some bill over here, anything I could hang it on, to take them out of the liability of the administration of the Ag department."

POINT OF INQUIRY

Senator Charnley: "Senator Shinpoch, one of the concerns I have on this type of legislation is that we are increasing at probably too fast a rate, the amount of paper work that is required and I notice here that it is in the digest; it says 'additional reports are required,' and in the upper part it says 'broadening the scope of the act' and so forth. Now I understand it is important that we want to keep a hand on these things but in your view, do you think that we are significantly increasing the paper work and therefore increasing the cost of these various agencies?"

Senator Shinpoch: "Senator Charnley, it would be my judgment that over all we will be significantly reducing total paper work.

"What we have done is set up a system whereby certain reports have to be made at certain times. If I could give you an example. Under the allotment procedure now, any time anyone overspends or underexpends, they simply come in with next month with an allotment that takes the remaining balance and spreads it over what it is to go; and this bill says that, 'Hey, you can't go back and rewrite history.' They go back to the front and their actuals become their estimate and one of the

things this says is that you cannot rewrite history, that whatever you estimated versus what you spent is going to be there. And we think it will stop agencies coming in every month and redoing their allotment because we have effectively said 'You know that is history and you are not going to rewrite it.'

"I think in the long run, once we get through this, I think it will tend to reduce paper work; and most of the checking is through the computer. The allotment process goes in and once it gets in, then we simply receive a tape from OFM into the LEAP system and we make all those checks."

POINT OF INQUIRY

Senator Guess: "Senator Shinpoch, I find something in here that says that the legislative transportation committee, the legislative evaluation and accountability program committee, and the office of the state actuary are added to the act. Now on the second page, and this is on page 18, it says 'The legislative budget committee, the legislative evaluation and accountability program committee, and the ways and means committee of the Senate and House of Representatives, shall coordinate their activities with the legislative transportation committee. . . .' Now this is a strange type of language. How in the world can the legislative transportation committee be governed by all of those other committees?"

Senator Shinpoch: "It is my understanding, Senator Guess, that the legislative transportation committee, and we are running the check on the allotment through the LEAP system. And it is my understanding that the only time the legislative transportation committee gets involved is when you are dealing with transportation matters, and then they simply take the reports out of the LEAP system is my understanding of the manner in which that . . . The LEAP system is set up to do the monitoring; when we set up the LEAP system, we did two things, we set up a budgeting and analysis portion, and we set up an analysis portion. The portion that we have here is to, that we are talking about here, is to check, after the allotments have gone in, we are doing the monitoring and we have a system already set up to do that. This sets up, for those items dealing with transportation matters, and if I read it correctly, dealing with transportation matters only, then the LTC would get their reports out of the LEAP system dealing with that; that LEAP would, in effect, use their computer to crank out the reports for the LTC to do their monitoring."

Senator Guess: "So the problem with that is that it goes ahead and says that it shall carry out its ' . . . duties under chapter 43.88 . . . in matters relating to the transportation programs of the state.'

"Now the transportation commission is charged with carrying out the transportation programs of the state of Washington, not the legislative transportation committee. Aren't you mixing apples and oranges here?"

Senator Shinpoch: "I guess I simply cannot answer that. The LTC, and I don't understand the LTC all that well; maybe Senator Scott understands that better than I do.

"I do not understand the LTC all that well, I can probably talk to you about everything else, but never did the transportation budget so I don't know what else LTC does. But it is my understanding that we are talking, that for that portion of lines 15 through 21 on page 18, that what we are talking about are the groups of people who will do the monitoring and that includes the LTC which will monitor the transportation people."

POINT OF INQUIRY

Senator Guess: "Senator Scott, this is introducing, the bill appears to me to be introducing matters that have never been before the legislature . . ."

Senator Scott: "Senator Guess, this bill is intended simply as a tracing and tracking mechanism and a definitional way of getting a lot of funds that have been nonappropriated funds that haven't had a lot of visibility in the state treasury in and accounted for in the system; and it is meant to be encompassing with the exception of the office of the SPI. It is not a control mechanism."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 561, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Guess, Hansen, Patterson—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 561, 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.

SECOND READING

HOUSE BILL NO. 596, by House Committee on Ways and Means and Representative Chandler (by Office of Financial Management request):
Creating the natural resources account.

REPORT OF STANDING COMMITTEE

April 8, 1981

HOUSE BILL NO. 596, creating the natural resources account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 after "lands" strike "may" and insert "shall".

On page 1, line 13 after "The" strike "state finance committee or the".

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Haley, Hayner, Hughes, Jones, Lee, Wojahn, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the rules were suspended, House Bill No. 596, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 596, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Hansen, Lysen, Patterson, Williams—4.

HOUSE BILL NO. 596, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 388, by House Committee on Appropriations—Human Services (originally sponsored by Representatives Houchen, Becker, Leonard, Heck, Garrett, Patrick, Barr, Gruger, Rinehart, Burns, Lux, Maxie, Valle, Sommers, Nelson (D.), Pruitt, Rust, Hine and Brekke) (by Governor Spellman request):

Authorizing local jail improvement and construction bonds.

REPORT OF STANDING COMMITTEE

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 388, authorizing local jail improvement and construction bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, following line 10, add a new section as follows:

***NEW SECTION.** Sec. 8. (1) There is hereby reappropriated from the general fund—local jail improvement and construction account the sum of ninety-four million three hundred and two thousand two hundred and seventy dollars to the Washington state jail commission for the purposes of this act.

"(2) There is hereby appropriated from the general fund—local jail improvement and construction account the sum of one hundred thirty million five hundred thousand dollars, or so much as may be necessary, to the Washington state jail commission for the purposes of this act."

Renumber the remaining sections accordingly.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Fleming, Gaspard, Haley, Hayner, Jones, Lee, Ridder, Wojahn, Zimmerman.

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Talmadge: "Senator Scott, my concern is a very particular one. It was my belief that when we passed that bond issue previously, that King county was improperly left out in terms of the priority list. King county was the second priority and yet the jail commission bounced around and did not choose to fund the needs of the King county jail which is, in my judgment, the most pressing need in the state.

"Can you assure us that, as a result of the passage of this bill, that the King county people will get sufficient moneys to go ahead with the renovation and improvement or replacement of the King county jail?"

Senator Scott: "Forty-six million dollars, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Senator Scott, you said this was \$224,000,000 more than, what was the amount of the last bond issue, 138 or 119?"

Senator Scott: "This is a \$130,000,000 additional, Senator, over the last one. The total is 224."

Senator Rasmussen: "Well, my question would be: are we able to give these prisoners all the comforts of home with this minor amount of money? I haven't seen any mention of conjugal visits in the county jail and some of these people, of course, are assigned to the county jail for periods, extended periods.

"It just seems to be in the public's mind that we are not properly taking care of the prisoners with their money, unless we provide these items. Now I don't think the majority of the public views it that way; somebody must. Are we taking care of that in this minor amount we are appropriating?"

Senator Scott: "Senator Rasmussen, I am not sure I know what you mean by 'taking care of that or this' . . ."

Senator Rasmussen: "Well, I mean all the comforts of home. Television room and so forth."

Senator Scott: "No, we are not, Senator; I assured myself by spending a half day in the King county jail about a year ago and if you think about what seventy-two square feet is, it is not a very big space. In terms of the King county jail which I think is the largest local jail in the state, you have people that are crowded together so that in a day room, they cannot exercise, they really do not have enough space between them so that they can read or even carry on a conversation without shouting at one another; and most of this money in the bill is allocated to renovation of the system to expansion to meet the basic standards that I quoted, and as you look across the jail commission statistics, you will find that those are a little bit above below average. We are not doing anything very fancy here."

Senator Rasmussen: "Well, that is open to question, but thank you for the answer."

The motion by Senator Scott carried and the committee amendment was adopted.

On motion of Senator Bauer, the following amendment by Senators Bauer, Deccio and Zimmerman was adopted:

On page 3, after line 10, insert a new section 9 as follows:

NEW SECTION. Sec. 9. It is the intent of the legislature that the construction and remodeling of jails proceed without further delay, and the jail commission's review and funding procedures are to reflect this intent. Neither the jail commission nor local governments should order or authorize capital expenditures to improve jails now in use which are scheduled for replacement. Capital expenditures which relate directly to life safety of inmates or jail personnel may be ordered."

Reumber the remaining sections accordingly.

On motion of Senator Scott, the following amendment to the title was adopted:

On page 1, line 5 of the title, after "sections;" insert "making an appropriation;"

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 388, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Bauer, we passed your amendment but I have a question about it because it seems to me that the language in the second sentence which starts on line 3 saying, 'Neither the jail commission nor local government should order or authorize capital expenditures to improve jails now in use which are scheduled for replacement.'

"My concern is that what you are doing in this language, is you are restricting what a local government might do with its own money and I suspect that you wanted the local government not to authorize any money from these bonds. First of all I would like to ask you, is that a correct assumption, that the local government money that we are referring to here, would be money provided for by the jail bonds and not other sources?"

Senator Bauer: "Well, it would be my understanding that the bonding money, and also, you will note, it talks about directly related to life safety of the inmate. So

that I would interpret as a pretty broad category in terms of utilization of those funds."

Senator Goltz: "I think then, Senator Bauer, your question satisfies me because I would not want this legislature to tell a local government that it could not make any capital expenditure to improve a jail which it now has in use, even if that jail is going to be demolished. There might very well be reasons that they would want to expend some of their own money to make improvements, even in a jail which is scheduled for demolition; and I think your answer satisfies me."

POINT OF INQUIRY

Senator Patterson: "Senator Scott, I have a little different problem. As I understand it, in the past practically all the city and county jails were built at the expense of the local jurisdiction; and I have a concern with this kind of money going in from the state, whether or not the counties or the local jurisdictions still have the authority to tell the state that they will not hold state prisoners. I do not know whether or not it is necessary to have law to this effect, but it seems to me if the state is going to fund to this magnitude, then the state ought to have some opportunity to hold some of the state prisoners in these local jails.

"And I just wondered whether you can respond to that."

Senator Scott: "Senator Patterson, about two weeks ago now, the state lost the suit in superior court wherein we were mandated to pay the food costs, not the capital costs and the operating costs, but the food costs of state prisoners in local jails. And I believe the limit on the number of days they can be held in local jails is sixty.

"There is \$1.2 million dollars in the operating budget to pay that food allowance to the local jails through February of next year at which point we will be reviewing the whole matter again come January. That is where things sit."

Senator Patterson: "Well, just to continue, Senator Scott. The question I am asking is, once we put this kind of money into the improvement of the local jails, it seems to me that the state, at that point in time, should be able to ask those local jurisdictions to hold state prisoners in the event that we do not have the capacity if we are going to build them."

Senator Scott: "Well, Senator, that would require a code change from where we are. I suspect that perhaps the reverse is going to happen with the added capacity in the counties, in particular, will be back asking us for adding taxing authority in order to operate them, once they are enlarged."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senators Bottiger, Rasmussen—2.

SUBSTITUTE HOUSE BILL NO. 388, 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.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 339.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 339, by House Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting certain provisions and revenue bonds and warrants issued by operating agencies.

The Senate resumed consideration of Substitute House Bill No. 339 from earlier today. The committee amendment had been moved for adoption and the following amendment by Senator Williams to the committee amendment which had been moved for adoption by Senator Williams:

On page 3, line 38, following "of" strike "any" and on line 39 following "agency" insert "maturing in not less than six years from the date of issuance"

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Williams to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Williams to the committee amendment:

On page 3, line 39, following the period, insert "For any revenue bond or warrant maturing in six years or less from the date of issuance, the operating agency may not issue additional revenue bonds or warrants to refund, exchange, convert or refinance such bonds in excess of the amount of principal reduced by the amount of interest on such bonds."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, if I get the impact of your amendment, then, it is that the money that they borrow, they will have to establish a sinking fund in order to pay the interest, is that not right?"

Senator Bottiger: "That is correct, Senator."

Senator Guess: "All right then. When do they start building the rates in order to build that sinking fund?"

Senator Bottiger: "You would have to have a rate increase to create enough money in the sinking fund when the interest came due on the bonds."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Bottiger and Williams to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Rasmussen, Ridder, Shinpoch, Vognild, von Reichbauer, Williams, Wojahn, Woody—22.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Newhouse, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Talmadge, Wilson, Zimmerman—27.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge, Quigg and Williams to the committee amendment:

On page 1, line 7 strike all the material beginning with "Section 1" through "prescribe" on page 4 line 9 and insert:

" BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5 of this act.

(1) "Joint Operating agency" means a joint operating agency organized under this chapter, and any assignee of a joint operating agency.

(2) "Cost of construction" means the total cost of planning and building a nuclear electric generating facility and placing it into operation, including, but not limited to, planning cost, direct construction cost, cost of fuel inventory for the first year's operation, interest, and all other costs incurred prior to the first day of full operation, whether or not incurred prior to the effective date of this act.

(3) "Bond" means a revenue bond, a general obligation bond, or any other indebtedness issued by a joint operating agency.

NEW SECTION. Sec. 2. Every joint operating agency engaged in the construction of one or more nuclear electric generating facilities on the effective date of this act shall adopt and file with the state auditor by July 1, 1981, a projected total construction budget for completion of the nuclear electric generating facilities.

NEW SECTION. Sec. 3. (1) To determine compliance with sections 1 through 5 of this act, the state auditor shall monitor and periodically audit each joint operating agency engaged in the construction of one or more nuclear electric generating facilities on the effective date of this act. For each joint operating agency, an audit shall be completed at least annually by July 31st of each year of construction. As a part of the audit, the state auditor shall determine whether there is a substantial probability that construction of the facilities will be completed at the cost specified in the projected total construction budget submitted under sections 1 through 5 of this act.

(2) If the state auditor determines that there is sufficient evidence that a joint operating agency will not complete construction of the nuclear electric generating facilities within the projected total construction budget, the state auditor shall estimate, in consultation with the joint operating agency, the additional amount of funds, in excess of the previous projected total construction budget, that will be required to complete the construction. An authorization for expenditure of the additional funds shall be submitted to both house of the legislature. The joint operating agency shall not issue bonds in excess of the previous projected total construction budget unless it has first obtained approval for the additional funds by two-thirds majorities of both the senate and the house of representatives.

(3) If the authorization for additional funds is approved by both houses of the legislature, this becomes the new projected total construction budget. If the authorization for additional funds is not approved by both houses of the legislature, the joint operating agency, in consultation with the state auditor, shall determine which of the nuclear electric generating facilities can actually be completed within the projected total construction budget. The joint operating agency shall then submit this plan for completion to the legislature for final approval.

NEW SECTION. Sec. 4. If a joint operating agency obtains authorization for the issuance of bonds under section 3 of this act, the joint operating agency shall not issue bonds in excess of the new projected total construction budget unless the joint operating agency again receives authorization under the procedures established in sections 1 through 3 of this act.

NEW SECTION. Sec. 5. The state auditor shall refer to the attorney general any evidence obtained by the state auditor indicating that a joint operating agency has failed to comply with sections 1 through 4 of this act. The attorney general shall seek appropriate relief to insure compliance, including injunctive relief.

Sec. 6. Section 43.52.3411, chapter 8, Laws of 1965 and RCW 43.52.3411 are each amended to read as follows:

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. The issuance and sale of bonds by a joint operating agency in the construction of a nuclear electric generating facility is subject to the procedures established by sections 1 through 5 of this 1981 act.

Sec. 7. Section 4, chapter 159, Laws of 1967 as amended by section 4, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.040 are amended to read as follows:

Any such city, public utility district, or joint operating agency participating in common facilities under this chapter, without an election, may furnish money and provide property, both real and personal, issue and sell revenue bonds pledging revenues of its electric system and its interest or share of the revenues derived from the common facilities and any additions and betterments thereto in order to pay its respective share of the costs of the planning, financing, acquisition and construction thereof. Such bonds shall be issued under the provisions of applicable laws authorizing the issuance of revenue bonds for the acquisition and construction of electric public utility properties by cities, public utility districts, or joint operating agencies as the case may be. All moneys paid or property supplied by any such city, public

utility district, or joint operating agency for the purpose of carrying out the powers conferred herein are declared to be for a public purpose.

The issuance and sale of bonds by a joint operating agency in the construction of a nuclear electric generating facility is subject to the procedures established by sections 1 through 5 of this 1981 act.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act are each added to chapter 43.52 RCW."

Re-number remaining sections consecutively.

POINT OF ORDER

Senator Gould: "Mr. President, I raise the question of scope and object on the amendment."

There being no objection, at 10:45 p.m. the Senate was declared to be at ease.

The President called the Senate to order at 11:15 p.m.

RULING BY THE PRESIDENT

President Cherberg: "Members of the Senate, in ruling upon the Point of Order raised by Senator Gould, the President finds that Substitute House Bill number 339 is a measure which relates to the financing of nuclear power plants operated by a joint operating agency, namely the Washington Public Power Supply System.

"The amendment proposed by Senators Talmadge, Quigg and Williams, among other items, requires joint operating agencies constructing nuclear power plants to file a budget with the state auditor and if expenditures exceed the budget, voter approval must be obtained for the added expenditures.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and the Point of Order is well taken."

The amendment by Senators Talmadge, Quigg and Williams to the committee amendment was ruled out of order.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, before we go on, I would like to raise a point of parliamentary inquiry.

"Mr. President, ruling on the Point of Order, you had ruled that the bill was outside of scope and object because there was a requirement that the budget of the Public Power Supply system be submitted to the voters.

"In talking to your counsel, I believe she was under the mistaken impression that it was the original Senate Bill 3510 that was at issue, rather than the substitute version which had nothing to do with the submission of the question to a vote of the people. It simply dealt with the question of the authority of the System to issue bonds and if there was a question, then the issue had to come back to the legislature for a vote of both Houses as to whether or not the bonds could be issued.

"I guess what I am saying, Mr. President, is I believe the ruling on the Point of Order related to, not the present amendment that is before the body, but the original Senate Bill 3510 which formed the basis, I guess, for the amendment."

Senator Williams moved adoption of the following amendment by Senators Williams and Moore to the committee amendment:

On page 9, following line 24, insert:

"NEW SECTION. Sec. 10. There is added to chapter 43.52 RCW a new section to read as follows:

Any municipal corporation, cooperative or mutual which has entered into a contract with an operating agency to participate in the construction or acquisition of an energy plant as defined in chapter 80.50 RCW shall annually adopt a plan for the repayment of its contractual share of any operating agency obligation which matures

prior to the planned operation of the plant. The manner of adoption of the plan shall be subject to the laws regarding approval of rates of the municipal corporation, cooperative or mutual.

The plan shall include the effect of the means of repayment on its financial condition, its customers' rates, its other contractual rights and obligations, and any other matter deemed useful by the participant.

Each such participating municipal corporation, cooperative or mutual shall include a statement of the extent of its contractual obligation to any operating agency in an annual financial report."

Renumber remaining sections consecutively.

MOTION

On motion of Senator Clarke, Substitute House Bill No. 339, together with the pending committee amendment and the amendment to the committee amendment by Senators Williams and Moore, and the Parliamentary Inquiry by Senator Talmadge, was ordered held for a Reply by the President.

President Pro Tempore Guess assumed the Chair.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 440.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 440, by House Committee on Ways and Means (originally sponsored by House Select Committee on Corrections and Representatives Struthers, Becker, Houchen, Owen, Mitchell, Granlund, Winsley, Walk, Leonard, Galloway, Fiske, Warnke, Van Dyken, Erickson, Berleen, Ellis, Hastings, Clayton, Tupper, Garrett, Wang, Addison, Teutsch and Brown):

Enacting the Sentencing Reform Act.

REPORT OF STANDING COMMITTEE

April 14, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 440, enacting the sentencing reform act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"**NEW SECTION.** Section 1. The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to add a new chapter to Title 9 RCW designed to:

(1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;

(2) Promote respect for the law by providing punishment which is just;

(3) Be commensurate with the punishment imposed on others committing similar offenses;

(4) Protect the public;

(5) Offer the offender an opportunity to improve him or herself; and

(6) Make frugal use of the state's resources.

NEW SECTION. Sec. 2. This chapter may be known and cited as the sentencing reform act of 1981.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to section 12(4) of this act.

(3) "Confinement" means total or partial confinement as defined in this section.

(4) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

(5) "Crime-related prohibition" means an order of a court prohibiting conduct which directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(6)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant was twenty-three years of age or less at the time the offense for which he or she is being sentenced was committed.

(7) "Department" means the department of social and health services.

(8) "Determinate sentence" means a sentence which states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(9) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(10) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(11) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(12) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(13) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(14) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(15) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(16) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a violent offense in subsection (16)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a violent offense under subsection (16)(a) or (b) of this section.

NEW SECTION. Sec. 4. (1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) By September 1, 1982, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.

(8) Every two years, the commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(9) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(10) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

NEW SECTION. Sec. 5. The commission shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. The commission may request from the office of financial management, the board of prison terms and paroles, administrator for the courts, and the department of social and health services such data, information, and data processing assistance as it may need to accomplish its duties, and such services shall be provided without cost to the commission. The commission shall adopt its own bylaws.

The salary for a full-time executive officer, if any, shall be fixed by the governor pursuant to RCW 43.03.040.

NEW SECTION. Sec. 6. (1) The commission consists of fifteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management, as an ex officio member;

(c) Until July 1, 1988, the chairman of the board of prison terms and paroles, as an ex officio member, and thereafter the chairman of the clemency and pardons board, as an ex officio member;

(d) Two prosecuting attorneys;

(e) Two attorneys with particular expertise in defense work;

(f) Four persons who are superior court judges;

(g) One person who is the chief law enforcement officer of a county or city;

(h) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended.

NEW SECTION. Sec. 7. (1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to section 4(6) of this act. The standards so adopted shall take effect on July 1, 1984.

(2) Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature every two years and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted.

NEW SECTION. Sec. 8. The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor will do any of the following:

- (1) Move for dismissal of other charges or counts;
- (2) Recommend a particular sentence within the sentence range applicable to the offense or offenses to which the offender pled guilty;
- (3) Recommend a particular sentence outside of the sentence range;
- (4) Agree to file a particular charge or count;
- (5) Agree not to file other charges or counts; or
- (6) Make any other promise to the defendant, except that in no instance may the prosecutor agree not to allege prior convictions.

The court shall not participate in any discussions under this section.

NEW SECTION. Sec. 9. (1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to section 8 of this act, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall order that neither the defendant nor the prosecutor is bound by the agreement and that the defendant may withdraw the defendant's plea of guilty if one has been made and enter a plea of not guilty.

(2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea.

NEW SECTION. Sec. 10. The prosecuting attorney and the defendant shall each provide the court with their understanding of what the defendant's criminal history is prior to a plea of guilty pursuant to a plea agreement. All disputed issues as to criminal history shall be decided at the sentencing hearing.

NEW SECTION. Sec. 11. Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim or a representative of the victim, and an investigative law

enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. All presentence reports presented to the sentencing court and all written findings of facts and conclusions of law entered by the court shall accompany the offender if the offender is committed to the custody of the department.

NEW SECTION. Sec. 12. When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (4) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds that imposition of a sentence within the standard range would impose an excessive punishment on the defendant or would pose an unacceptable threat to community safety.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) In sentencing a first-time offender, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the probation officer of any change in the offender's address or employment;

(e) Report as directed to the court and a probation officer; or

(f) Pay a fine, make restitution, and/or accomplish some community service work.

(5) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds that the sentence otherwise authorized by this subsection would pose an unacceptable threat to community safety.

(6) If the court imposes a sentence requiring confinement of sixty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than sixty days of confinement shall be served on consecutive days.

(7) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. No such period of time may exceed ten years subsequent to the entering of the judgment of conviction.

(8) A court may not impose a sentence which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

NEW SECTION. Sec. 13. The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984.

NEW SECTION. Sec. 14. (1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing and may set the terms

and conditions under which the defendant shall make restitution. Restitution ordered by a court pursuant to a criminal conviction shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years subsequent to the imposition of sentence.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant.

NEW SECTION. Sec. 15. No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) The terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(4) If the sentence of confinement is in excess of eighteen months but not in excess of three years, the final three months of the sentence shall be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community. If the sentence of confinement is in excess of three years, the final six months of the sentence shall be served in such partial confinement;

(5) The governor may pardon any offender; and

(6) The department of social and health services may release an offender from total confinement any time within ten days before a release date calculated under this section.

(7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in section 16 of this act.

NEW SECTION. Sec. 16. If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating its standard ranges and other standards. The commission may adopt any revision or amendment to its standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW, as now existing or hereafter amended, and shall take effect on the date prescribed by the commission. Unless the commission provides to the contrary, section 7 of this act does not apply to such revision or amendments;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners. The board may take any action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

NEW SECTION. Sec. 17. A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without the prior approval of the entity in whose custody the offender has been placed.

NEW SECTION. Sec. 18. An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

NEW SECTION. Sec. 19. A sentence which includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. A sentence of not more than one year of confinement shall be served in a facility operated, or utilized under contract, by the county.

NEW SECTION. Sec. 20. (1) If an offender violates any condition or requirement of a sentence, the offender may receive further punishment in accordance with this section.

(2) If a defendant fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the defendant to show cause why the defendant should not be confined for the noncompliance. The court may issue a summons or a warrant of arrest for the defendant's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. The defendant has the burden of showing by a preponderance of the evidence that the noncompliance was not a wilful refusal. If the court finds that the violation was wilful, it shall order the defendant confined for a period not to exceed sixty days for each violation; and

(c) If the court finds that the violation was not wilful, the court may reduce or extend the payment period or eliminate the fine or reduce or relieve the defendant of the obligation of community service work or of making restitution.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

NEW SECTION. Sec. 21. (1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under section 12(4) of this act shall also be deemed to be within the standard range for the offense and shall not be appealed.

(2) If a sentence is outside of the sentence range for the offense, the defendant or prosecutor may seek review of the sentence before the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing judge are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review shall be heard within thirty days following the date of sentencing and a decision shall be rendered within fifteen days following the oral argument.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing judges and others in implementing this chapter and in developing a common law of sentencing within the state.

NEW SECTION. Sec. 22. When an offender has completed the requirements of the offender's sentence, the sentencing court shall discharge the offender and provide the offender with a certificate of discharge. The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

NEW SECTION. Sec. 23. (1) Every offender who has been discharged under section 22 of this act may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in section 3 of this act; (c) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under section 22 of this act; (d) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under section 22 of this act; and (e) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under section 22 of this act.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing

in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

NEW SECTION. Sec. 24. There is added to chapter 9.95 RCW a new section to read as follows:

(1) On July 1, 1988, the board of prison terms and paroles shall cease to exist. Prior to that time, the board's membership shall be reduced as follows: (a) On July 1, 1985, the board shall be reduced to five members. This reduction shall take place by the expiration, on that date, of the two terms having the least time left to serve. (b) On July 1, 1986, the board shall be reduced to three members. This reduction shall take place by the expiration, on that date, of the two terms having the least time left to serve.

(2) Prior to its expiration and after July 1, 1984, the board shall continue its functions with respect to persons incarcerated for crimes committed prior to July 1, 1984. The board shall consider the standard ranges and standards adopted pursuant to section 4 of this act, and shall attempt to make decisions reasonably consistent with those ranges and standards.

(3) On July 1, 1988, all documents, records, files, equipment, and other tangible property of the board of prison terms and paroles shall be delivered to the custody of the department of social and health services.

NEW SECTION. Sec. 25. (1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor, subject to confirmation by the senate.

(2) Members of the board shall serve terms of four years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

(3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(5) The attorney general shall provide a staff as needed for the operation of the board.

NEW SECTION. Sec. 26. The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

NEW SECTION. Sec. 27. Nothing in this chapter shall be construed to alter, change, or otherwise modify the provisions of chapter 71.06 RCW.

NEW SECTION. Sec. 28. Sections 8 through 13, sections 15 through 23, and sections 25 and 26 of this act shall take effect on July 1, 1984. The sentences required under this chapter shall be prescribed in each sentence which occurs for a felony committed after June 30, 1984.

NEW SECTION. Sec. 29. The sentencing guidelines commission is classified as a class three citizen group under chapter 42.04 RCW for purposes of compensation of its members.

NEW SECTION. Sec. 30. Section 29 of this act shall not become effective unless Substitute House Bill No. 177 is enacted into law during the 1981 regular session of the legislature.

NEW SECTION. Sec. 31. There is added to chapter 9.92 RCW a new section to read as follows:

The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 9.92.050, 9.92.060, 9.92.062, 9.92.064, 9.92.066, 9.92.070, 9.92.080, 9.92.090, and 9.92.150.

NEW SECTION. Sec. 32. There is added to chapter 9.95 RCW a new section to read as follows:

The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.010, 9.95.015, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.040, 9.95.052, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.190, 9.95.200, 9.95.210, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.350, and 9.95.360.

NEW SECTION. Sec. 33. There is added to chapter 9.95A RCW a new section to read as follows:

The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 9.95A.010, 9.95A.020, 9.95A.030, 9.95A.040, 9.95A.050, 9.95A.060, 9.95A.070, 9.95A.080, 9.95A.090, 9.95A.900, and 9.96.050.

NEW SECTION. Sec. 34. There is added to chapter 72.04A RCW a new section to read as follows:

The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 72.04A.050, 72.04A.070, 72.04A.080, and 72.04A.090.

NEW SECTION. Sec. 35. There is added to chapter 72.65 RCW a new section to read as follows:

The secretary may permit a prisoner to participate in any work release plan or program but only if the participation is authorized pursuant to the prisoner's sentence or pursuant to section 15 of this 1981 act. This section shall become effective July 1, 1984.

Sec. 36. Section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020 are each amended to read as follows:

(1) Felony. ~~((Every))~~ No person convicted of a classified felony shall be punished ((as follows)) by confinement or fine exceeding the following:

(a) For a class A felony, by ~~((imprisonment))~~ confinement in a state correctional institution for a ~~((maximum))~~ term ~~((fixed by the court of not less than twenty years))~~ of life imprisonment, or by a fine in an amount fixed by the court of ~~((not more than ten))~~ fifty thousand dollars, or by both such ~~((imprisonment))~~ confinement and fine;

(b) For a class B felony, by ~~((imprisonment))~~ confinement in a state correctional institution for a ~~((maximum))~~ term of ~~((not more than))~~ ten years, or by a fine in an amount fixed by the court of ~~((not more than ten))~~ twenty thousand dollars, or by both such ~~((imprisonment))~~ confinement and fine;

(c) For a class C felony, by ~~((imprisonment))~~ confinement in a state correctional institution for ~~((a maximum term of not more than))~~ five years, or by a fine in an amount fixed by the court of ~~((not more than five))~~ ten thousand dollars, or by both such ~~((imprisonment))~~ confinement and fine.

(2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than ~~((one))~~ five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than ~~((five hundred))~~ one thousand dollars, or by both such imprisonment and fine.

NEW SECTION. Sec. 37. The following acts or parts of acts are hereby repealed, effective July 1, 1984:

(1) Section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025;

(2) Section 2, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979, section 1, chapter 160, Laws of 1979 ex. sess. and RCW 72.65.020;

(3) Section 3, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979 and RCW 72.65.030; and

(4) Section 4, chapter 17, Laws of 1967, section 277, chapter 141, Laws of 1979 and RCW 72.65.040.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed, effective July 1, 1988:

(1) Section 1, chapter 47, Laws of 1947, section 1, chapter 114, Laws of 1935 and RCW 9.95.001;

(2) Section 9, chapter 340, Laws of 1955, section 1, chapter 32, Laws of 1952, section 9, chapter 98, Laws of 1969, section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003;

(3) Section 10, chapter 340, Laws of 1955, section 2, chapter 32, Laws of 1959 and RCW 9.95.005; and

(4) Section 3, chapter 32, Laws of 1959, section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.007.

NEW SECTION. Sec. 39. Sections 1 through 23 and 25 through 29 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 40. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 41. There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of six hundred eighty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

On page 1, line 10 of the title, after ".025;" strike all down through "35.20-.255;" on line 17

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

Senator Clarke moved adoption of the following amendment by Senators Clarke and Pullen to the committee amendment:

On page 15, section 12, after subsection (3), add a new subsection and renumber the remaining subsections consecutively:

"(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section."

Debate ensued.

Senator Jones demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Clarke and Pullen to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hayner, Hughes, Hurley, Jones, Lee, Lysen, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Talley, Vognilid, von Reichbauer, Wilson, Wojahn—30.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Goltz, Gould, Hansen, Hemstad, Kiskaddon, McDermott, Moore, Peterson, Ridder, Scott, Shinpoch, Talmadge, Williams, Woody, Zimmerman—19.

Senator Pullen moved adoption of the following amendment to the committee amendment:

On page 31, after section 35, add a new section as follows and renumber the remaining sections accordingly:

"Sec. 36. Sec. 4, chapter 14, Laws of 1975 as last amended by section 1, chapter 244, Laws of 1979 and RCW 9A.44.040 are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person not married to the perpetrator by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony. (~~No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility. PROVIDED, That every person convicted of rape in the first degree shall be confined for a minimum of three years. PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than three years but shall never reduce the minimum three year period of confinement nor shall the board release the convicted person during the first three years of confinement as a result of any type of automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release program or furlough program during the first three years of confinement.))"~~

POINT OF INQUIRY

Senator Goltz: "Senator Pullen, I notice it is impossible to amend an amendment to the amendment, but I notice that under subsection (1) you have included the word 'not married to the perpetrator' as part of the language. It was my impression that we passed somewhere in this legislature a law which actually makes it permissible for a spouse to charge rape against her husband; and this would be inconsistent with that law, would it not?"

Senator Pullen: "No, Senator Goltz, because that has not gone into law yet. That has just been a bill that has been making its way through the legislature and the proper way to technically handle such an amendment is to set forth the existing law as I have done so here.

"Eventually that law may be changed as you correctly indicated and at that time, the code reviser will take care of it."

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, it is late at night and we are looking through all this stricken language but I want to make sure that the language you

have stricken out does not mean that a person could not be confined at Western State Hospital in the sexual psychopathy program, for example."

Senator Pullen: "You don't have any need to fear that, Senator Talmadge, because of the Clarke/Pullen amendment which was just adopted a few minutes ago by a 30 to 19 vote. In there it specifically says that a person shall be eligible for commitment to an inpatient treatment facility if they have been convicted of rape in the first degree.

"So all we have done is transfer the language from one part of the RCW to the part that will be set forth in House Bill 440."

Senator Talmadge: "Just wanted to make sure."

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the committee amendment as amended.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Pullen, the following amendment to the committee amendment to the title was adopted:

On page 1, line 4 of the title, after "9A.20.020;" insert "amending section 4, chapter 14, Laws of 1975 as last amended by section 1, chapter 244, Laws of 1979 and RCW 9A.44.040"

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed Second Substitute House Bill No. 440, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 440, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—47.

Voting nay: Senators Conner, Woody—2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 440, 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 Clarke, the Senate commenced consideration of House Bill No. 697.

SECOND READING

HOUSE BILL NO. 697, by House Committee on Local Government and Representative Isaacson:

Modifying the application of the appearance of fairness doctrine.

REPORT OF STANDING COMMITTEE

April 14, 1981.

HOUSE BILL NO. 697, modifying the application of the appearance of fairness doctrine (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 4 strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 42.04 RCW a new section to read as follows: The right to petition executive officials or members of legislative bodies of counties, cities, and towns shall not be limited by application of the appearance of fairness common law doctrine.

NEW SECTION. Sec. 2. There is added to chapter 42.04 RCW a new section to read as follows: No action taken by a municipal legislative body or its members shall be invalidated by application of the appearance of fairness doctrine unless it can be demonstrated by a preponderance of the evidence that the deliberative functions of the legislative body were substantially prejudiced by reason of the act or actions purported to form the basis of any appearance of fairness challenge."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Shinpoch, Woody.

The bill was read the second time by sections.

Senator Newhouse moved adoption of the committee amendment.

On motion of Senator Shinpoch, the following amendments to the committee amendment were adopted:

In new section 2 of the committee amendment, line 5, after "demonstrated" strike "by a preponderance of the evidence"

In new section 2 of the committee amendment on line 7, after "were" strike "substantially"

There being no objection, an amendment by Senators McDermott and Talmage to page 1, on the desk of the Secretary of the Senate, was withdrawn.

POINT OF INQUIRY

Senator Wilson: "Senator Newhouse, to take a purely hypothetical situation, if there were a town in eastern Washington where you and I come from, and the XYZ Manufacturing Company had a large plant there, and in fact substantially dominated the economy of the town; and five members of the city council, out of seven, for example, were employees of the company, and in making a final judgment on a zoning matter, a decision was rendered that would benefit the XYZ Manufacturing Company in one form or another. Now I think one could say that some citizens of the community might feel that there was a lack of an appearance of fairness in such a procedure.

"And my question is, what would those citizens have to do under terms of section 2 of this amendment to demonstrate their case? Or is there anything they could do?"

Senator Newhouse: "Senator Wilson, I believe that is probably beyond my legal capacity. I would say that if a town in eastern Washington is large enough to have seven council members, they are not a small town like you and I come from. I will defer to Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "The reason for the bill, in reality, are various court decisions and which, in effect, have established what the courts believe to be an appearance of fairness; and under the circumstances which you outlined, if this bill were passed, I would have no doubt whatsoever in my own mind that a court would still say that

there was no appearance of fairness, because you have outlined a situation where the council members themselves actually held positions which, in effect, if they were acting in a quasi-judicial capacity as this bill is aimed at, they should be disqualified; in other words, a judge sitting on a matter which would affect him personally should be disqualified.

"The intent of this bill is simply to enable a discussion by people with the councilmen where the councilmen have no personal interest in it; but because of certain court decisions, there is an apprehension that since they sit in a quasi-judicial capacity, they cannot even discuss proposals.

"So I would have no doubt in my own mind that under the hypothetical that you set forth, that there would still be a disqualification."

The motion by Senator Newhouse carried and the committee amendment, as amended, was adopted.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 697, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 697, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinoch, Talley, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators McDermott, Ridder, Talmadge, Wilson—4.

HOUSE BILL NO. 697, 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.

MOTIONS

On motion of Senator Clarke, the Senate dispensed with the Call of the Senate.

At 12:05 a.m., on motion of Senator Clarke, the Senate adjourned until 10:30 a.m., Tuesday, April 21, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 21, 1981.

The Senate was called to order at 10:30 a.m. The President declared the Senate to be at ease. The President called the Senate to order at 10:40 a.m. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Tami Burk and Greg Von Volki, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 17, 1981.

SENATE BILL NO. 4095, relating to corporate license fees (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4095 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

April 17, 1981.

SUBSTITUTE HOUSE BILL NO. 116, revising game fees (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

April 17, 1981.

THIRD SUBSTITUTE HOUSE BILL NO. 179, creating the council on child abuse and neglect (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Scott, Chairman; Bauer, Bluechel, Deccio, Gaspard, Jones, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

April 17, 1981.

SUBSTITUTE HOUSE BILL NO. 246, modifying provisions relating to the criminal justice training account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Gaspard, Hayner, Jones, Lee, McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

April 20, 1981.

SUBSTITUTE HOUSE BILL NO. 277, requiring an identifying decal from the department of licensing as authority to purchase propane for motor vehicle use (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 20, 1981.

FLOYD A. "PAT" WANAMAKER, to the position of Member of the State Transportation Commission, appointed by the Governor on March 9, 1981 for the term ending June 30, 1986, succeeding James P. Shaffer (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Benitz, Gallagher, Guess, Hansen, Kiskaddon, Lysen, Metcalf, Peterson, Talley.

Passed to Committee on Rules.

STATEMENT FOR THE JOURNAL

Office of the Attorney General
Ken Eikenberry, Attorney General
Temple of Justice, Olympia, Washington 98504
Philip H. Austin, Deputy Attorney General

April 14, 1981.

Honorable Kent Pullen
St. Sen., 47th District
115-B Institutions Building
Olympia, Washington 98504

Dear Sir:

We are in receipt of your letter dated April 14, 1981, regarding the constitutional procedures applicable to the passage of certain gambling legislation now pending before the state legislature.

As you have noted, Article II, § 24 of the Washington Constitution provides that:

" . . . Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon."

Your questions, in turn, are as follows:

"1. Does the state constitution require a sixty percent majority of both houses of the legislature to tighten the gambling laws?

"2. What is the test to be used to determine whether a sixty percent vote is required?"

Although you have referred, generally, to legislation now pending, you have not identified any particular bills. It is entirely possible, however, that a given bill may contain a number of different amendments, some of which may well "tighten up" the existing statutes while others, within the same bill, could conceivably be viewed as authorizing gambling activities (lotteries) which are not now authorized. In that event the above-quoted constitutional provision would clearly apply, at least to the liberalizing, or authorizing, amendments.

If, however, no such liberalizing or authorizing amendments are contained in the particular bill and, instead, the only amendments contained therein would, if enacted, have the effect of restricting or prohibiting gambling activities which are now permitted, it would be our opinion that the super majority voting requirements of Article II, § 24, *supra*, would not be applicable. The legislature, by the passage of such a bill, would not be authorizing lotteries. Accordingly, only a simple constitutional majority of the members of both houses would be required to vote in favor of such a bill in order to obtain passage.

It is hoped that the foregoing explanation will be of assistance to you.

Very truly yours,
Signed, PHILIP H. AUSTIN
Deputy Attorney General.

MESSAGES FROM THE HOUSE

April 20, 1981.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3046,
SUBSTITUTE SENATE BILL NO. 3127,
SUBSTITUTE SENATE BILL NO. 3154,
ENGROSSED SENATE BILL NO. 3465,
SUBSTITUTE SENATE BILL NO. 3630,
SENATE BILL NO. 3639,
SENATE BILL NO. 3730,
ENGROSSED SENATE BILL NO. 3740,
SENATE BILL NO. 3745,
SENATE BILL NO. 3784,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3867,
SENATE BILL NO. 3893,
SUBSTITUTE SENATE BILL NO. 4209,
ENGROSSED SENATE BILL NO. 4348, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has passed: REENGROSSED SUBSTITUTE HOUSE BILL NO. 506, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 17, by Committee on Revenue (originally sponsored by Representative Sprague):

Modifying the 106% limit.

Referred to Committee on Ways and Means.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 506, by Committee on Revenue (originally sponsored by Representatives Dickie, Granlund, Smith, Hine, Fiske, Flanagan, Galloway, Lewis, Clayton, Van Dyken, McCormick, Patrick, Gallagher, Salatino, Wilson, Beckham, Winsley and Wang):

Modifying provisions on senior citizen tax relief.

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3129,
SENATE BILL NO. 3262,
SENATE BILL NO. 3293,
SENATE BILL NO. 3295,
SENATE BILL NO. 3319,
SENATE BILL NO. 3338,
SENATE BILL NO. 3352,
SENATE BILL NO. 3354,
SENATE BILL NO. 3362,
SENATE BILL NO. 3383,
SUBSTITUTE SENATE BILL NO. 3415,
SENATE BILL NO. 3536,
SENATE BILL NO. 3555,
SENATE BILL NO. 3589,
SENATE BILL NO. 3595,
SENATE BILL NO. 3626,
SENATE BILL NO. 3641,
SENATE BILL NO. 3834,
SUBSTITUTE SENATE BILL NO. 4036,
SUBSTITUTE SENATE BILL NO. 4182,
SUBSTITUTE SENATE BILL NO. 4319.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3049,
SENATE BILL NO. 3051,
SENATE BILL NO. 3053,
SENATE BILL NO. 3057,
SENATE BILL NO. 3067,
SENATE BILL NO. 3079,
SENATE BILL NO. 3102,
SUBSTITUTE SENATE BILL NO. 3118,
SUBSTITUTE SENATE BILL NO. 3128,
SUBSTITUTE SENATE BILL NO. 3187,
SENATE BILL NO. 3196,
SENATE BILL NO. 3238,
SENATE BILL NO. 3239,
SENATE BILL NO. 3250.

RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke, and other distinguished members of the Senate.

"The President wishes to express his appreciation and gratitude to Senator Talmadge for pointing out the President's error; however, the President's Ruling remains basically the same."

MOTION

On motion of Senator Clarke, the Senate resumed consideration of Substitute House Bill No. 339.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 339, by House Committee on Energy and Utilities (originally sponsored by Representatives Isaacson and Hankins):

Permitting certain provisions and revenue bonds and warrants issued by operating agencies.

The Senate resumed consideration of Substitute House Bill No. 339 from April 20, 1981 and the following amendment to the committee amendment moved for adoption by Senator Williams at that time:

On page 9, following line 24, insert:

"**NEW SECTION.** Sec. 10. There is added to chapter 43.52 RCW a new section to read as follows:

Any municipal corporation, cooperative or mutual which has entered into a contract with an operating agency to participate in the construction or acquisition of an energy plant as defined in chapter 80.50 RCW shall annually adopt a plan for the repayment of its contractual share of any operating agency obligation which matures prior to the planned operation of the plant. The manner of adoption of the plan shall be subject to the laws regarding approval of rates of the municipal corporation, cooperative or mutual.

The plan shall include the effect of the means of repayment on its financial condition, its customers' rates, its other contractual rights and obligations, and any other matter deemed useful by the participant.

Each such participating municipal corporation, cooperative or mutual shall include a statement of the extent of its contractual obligation to any operating agency in an annual financial report."

Renumber remaining sections consecutively.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Ridder, Senator Charnley was excused.

The President declared the question before the Senate to be the roll call on the amendment by Senators Williams and Moore to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bottiger, Conner, Fleming, Gaspard, Goltz, Gould, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Peterson, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Hansen, Hayner, Jones, Newhouse, Patterson, Pullen, Quigg, Sellar, Talley, von Reichbauer, Zimmerman—20.

Excused: Senator Charnley—1.

Senator Williams moved adoption of the following amendment to the committee amendment:

On page 9, following line 24, insert:

"**NEW SECTION.** Sec. 10. There is added to chapter 43.52 RCW a new section to read as follows:

Any joint operating agency which has issued or plans to issue obligations in excess of two billion dollars shall retain two or more firms to provide it with advice on its financing program."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Williams failed and the amendment to the committee amendment was not adopted.

Senator Williams moved adoption of the following amendment to the committee amendment:

On page 9, after line 24, insert the following:

"Sec. 10. Section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: PROVIDED, That the per diem compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under section 2 of this 1981 act, in which case per diem compensation to any member shall not exceed ten thousand dollars in any year.

(2) If an operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, or sell any power plants, works, and facilities;

(b) Acceptance or rejection of bids or offers for bonds and the sale and issuance of bonds: PROVIDED, That the board may delegate this authority to the executive board;

(c) Appointment of a treasurer under RCW 43.52.375;

(d) Election of members to the executive board under section 2 of this 1981 act;

(e) Approve annual budgets submitted by the executive board; and

(f) Select, appoint, and establish the compensation of the outside directors as provided in section 2 of this 1981 act.

All other powers and duties of the operating agency are vested in the executive board established under section 2 of this 1981 act.

NEW SECTION. Sec. 11. There is added to chapter 43.52 RCW a new section to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing a nuclear power plant under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Seven members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the seven members of the executive board elected from among the members of the board of directors so as to afford fair representation which reflects the member public utility districts' and cities' participation in the joint operating agency's projects. The board of directors may also provide by rule for the removal of a member of the executive board, including the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board.

(b) Four members of the executive board shall be outside directors and shall be selected and appointed by the board of directors. The outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors shall choose by lot two outside directors to serve two-year terms and two to serve four-year terms. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive per diem compensation and travel expenses on the same basis as the seven members elected from the board of directors. The outside directors may be paid additional compensation as established by the board of directors;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science or be recognized experts in the construction or management of such facilities as the operating agency is constructing or operating.

(c) The president of the board of directors shall be a nonvoting member of the executive board and shall serve as the presiding officer of the executive board.

(2) Nothing in this chapter shall be construed to mean that an operating agency of the state.

(3) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. To the extent reasonably possible, the membership and operation of the executive board should be patterned after boards of directors of large private corporations.

(4) The executive board shall adopt rules for the conduct of its meetings resolution and shall be recorded in the minute book, which shall be a public record.

(5) With respect to any operating agency existing on the effective date of this act to which the provisions of this section are applicable:

(a) The board of directors shall elect seven members to the executive board no later than sixty days after the effective date of this act; and

(b) The board of directors shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than ninety days after the effective day of this act and the powers and duties prescribed in RCW 43.52.375, 43.52.378, and this section shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Any executive board created under this section shall cease to function upon the initiation of regular operations of the nuclear power plant over which it has exercised construction management powers and duties. If the operating agency is constructing two or more nuclear power plants simultaneously, the executive board shall cease exercising all powers as to each plant as it becomes operational.

Sec. 12. Section 43.52.375, chapter 8, laws of 1965 and RCW 43.52.375 are each amended to read as follows:

The board of each joint operating agency shall by resolution appoint a treasurer. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the appointment of the treasurer shall be on the recommendation of the executive board established under section 2 of this 1981 act. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. If the joint operating agency is constructing a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the auditor shall be appointed by the executive board. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: PROVIDED, That the board by resolution may authorize the executive committee or executive board to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the executive committee or executive board in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct.

Sec. 13. Section 1, chapter 220 Laws of 1979 ex. sess. and RCW 43.52.378 are each amended to read as follows:

The executive board ((of directors)) of any operating agency constructing ((or operating a thermal)) a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits, including such engineering expertise as the executive board deems

necessary, which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board (~~(of directors)~~) of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

In addition to the powers and duties conferred by chapter 44.28 RCW, the legislative budget committee shall evaluate such management audits as to adequacy and effectiveness of procedure and shall consult with and make reports and recommendations to the executive board. The operating agency shall reimburse the legislative budget committee for all costs of furnishing such services.

The operating agency shall file a copy of each firm's reports, and the legislative budget committee shall file a copy of each of its reports or recommendations in a timely manner, prepared in accordance with this section, with the respective chairmen of the senate and house energy and utilities committees. Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

NEW SECTION. Sec. 14. There is added to chapter 43.52 RCW a new section to read as follows:

Upon the concurrent request of the chairmen of the committees on energy and utilities of the senate and house of representatives, the executive board shall report to the committees on a semi-annual basis. The purpose will be to furnish reports on project schedules, budgets, progress, and other matters deemed relevant by the committees."

Renumber remaining sections consecutively.

POINT OF ORDER

Senator Bottiger: "Mr. President, reluctantly I must raise a point of order as to the scope and object of the amendment. This is the board bill and we are adding it on to a financing bond authorization sale for the authority of WPPSS to sell bonds. It is clearly a brand new subject matter being introduced into the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger, the President finds that Substitute House Bill No. 339 which is a measure relates to the financing of nuclear power plants operated by a joint operating agency; namely, the Washington Public Power Supply System.

"The amendment proposed by Senator Williams modifies the structure and powers of the Washington Public Power Supply System's executive board.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senator Williams was ruled out of order.

The motion by Senator Gould carried and the committee amendment, as amended, was adopted.

Senator Gould moved adoption of the committee amendment to the title.

On motion of Senator Williams, the following amendment to the committee amendment to the title was adopted:

On page 1, line 6 of the Title after "RCW 43.52.343;" insert: "creating a new section;"

The motion by Senator Gould carried and the committee amendment, as amended, to the title was adopted.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 339, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 339, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Conner, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Talmadge, Vognild—10.

Absent or not voting: Senator Newhouse—1.

SUBSTITUTE HOUSE BILL NO. 339, 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 Clarke, the Senate commenced consideration of Engrossed House Bill No. 254.

SECOND READING

ENGROSSED HOUSE BILL NO. 254, by Representatives Dawson, Bickham, Patrick, Brown, McGinnis, Erak, Ellis, Lewis, Houchen, Lane, Tilly and Garrett: Requiring certain coverages in automobile insurance policies.

REPORT OF STANDING COMMITTEE

April 8, 1981.

ENGROSSED HOUSE BILL NO. 254, requiring certain coverages in automobile insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 29, after "(7)" insert "(a)"

On page 2, after line 32 add a new subsection as follows:

"(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars."

On page 3, line 16, after "RCW" strike "46.29.630" and insert "46.29.090"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Bottiger, Clarke, Haley, Pullen, Wojahn.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 254, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 254, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Hughes—1.

ENGROSSED HOUSE BILL NO. 254, 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 Clarke, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Gallagher, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981—59

By Senators Gallagher, Rasmussen, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, Thor C. Tollefson of Tacoma is a respected and honored former congressman, having been elected in 1947 to represent Washington's Sixth District and served until 1965; and WHEREAS, Thor Tollefson became the ranking member of the House Merchant Marine and Fisheries Committee, strengthening the state's vital fishing industry on a national scale; and

WHEREAS, Mr. Tollefson returned to the State of Washington in 1965 and served with distinction as Director of the Washington State Department of Fisheries until 1975; and

WHEREAS, He has represented the interests of all fishermen in the state as a member of the International Pacific Salmon Fisheries Commission; and

WHEREAS, He advised the U. S. State Department on fishing problems in all waters bordering the United States as a member of the State Department's Ocean Affairs Advisory Committee; and

WHEREAS, Thor Tollefson was an active, dedicated member of the Interagency Committee on Outdoor Recreation, which was instrumental in obtaining several million dollars annually for the state and local agencies for the purchase and development of recreational land; and

WHEREAS, Thor Tollefson has been a true guardian of our state's fisheries, always looking out for the best interests of our valuable aquatic resource; and

WHEREAS, He is a sincere gentleman, admired by all who have come in contact with him; and

WHEREAS, Having fought the good fight for the people of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does humbly but joyously express the deep appreciation and thanks of all its members, the people of the State of Washington and the nation who have truly profited from him unselfish dedication and service; and

BE IT FURTHER RESOLVED, That the Senate respectfully requests that the Governor proclaim Tuesday, April 21, as Thor C. Tollefson Day; and

BE IT FURTHER RESOLVED, That the Lieutenant Governor will receive guests in his office at the Washington State Capitol Building, immediately prior to lunch, Tuesday, April 21, for a reception to honor Thor C. Tollefson for his never-ending dedication; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Thor C. Tollefson and his loving wife, Eva.

REMARKS BY SENATOR GALLAGHAN

Senator Gallagher: "I would say to those in this chamber who do not know Mr. Tollefson and who have not worked for him, that Mr. T. is what I consider the epitome of the phrase 'Truly a gentleman.'

"His loyalty and tenacity for what he believes in has always been unshakeable. His compassion for his fellow man disarms his opposition. His understanding and sound counsel to those of us who have been fortunate enough to have been his employee, will always endear us to him and him to us.

"To those of us, such as I, who never knew a father, you served well as a surrogate.

"Mr. T., I stand here on this joyous occasion today because of your help and guidance during my initial political involvement in the state of Washington. Thank you again for being my campaign chairman, and in closing, on behalf of myself and your many, many friends, I say we love and appreciate you and I wish to extend a very special thanks to Miss Cynthia Jones who was instrumental in putting this whole package together.

"Joy to you and yours and thank you again, Thor."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I just wanted to briefly endorse the very excellent remarks by Senator Gallagher, and Thor and Eva, it is very nice to have you here and we wish you well."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, having known Congressman Tollefson and his wife for many, many years, I sincerely join in this resolution and I would urge that all members' names in the Senate be put on the resolution."

REMARKS BY THE PRESIDENT

President Cherberg: "With the approval of the members, all names of the Senators will be added as sponsors of the resolution.

"Honored and esteemed members of the Senate, ladies and gentlemen.

"Over the years the President has had the high privilege of presenting many renowned guests to you, but seldom has he had the opportunity to present two more illustrious, renowned, outstanding, and remarkable citizens as the Honorable and Mrs. Thor Tollefson who have dedicated their lives to doing good and benefitting the welfare of their fellow citizens.

"May I present to you the Honorable Mr. Tollefson."

REMARKS BY HONORABLE THOR C. TOLLEFSON

Thor C. Tollefson: "Thank you very, very much.

"After I left the office of director of fisheries some six years ago, I used to come down to Olympia every once in a while to have lunch with my old staff, to reminisce and generally have a good time. That's what I thought I was going to do today. And now I learn that I am your guest. I am honored, indeed, at what you have done and what the resolution has said. I don't know that I merit all those fine things you have said about me in the resolution. Nevertheless, I shall cherish what it says and I shall remember this day as long as I shall live. Thank you."

MOTION

At 11:35 a.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 12:15 p.m.

MOTION

On motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 502, by House Committee on Ways and Means and Representative Chandler (by Code Reviser request):

Appropriating moneys to print the 1981 and 1982 session laws.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 502 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 502, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 14.

Voting yea: Senators Bauer, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Peterson, Pullen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—35.

Absent or not voting: Senators Benitz, Deccio, Fleming, Fuller, Gallagher, Hemstad, Lysen, McDermott, Metcalf, Moore, Patterson, Quigg, Rasmussen, Sellar—14.

ENGROSSED HOUSE BILL NO. 502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 727, by House Committee on Appropriations (by General Government and Compensation, and Representative Williams):

Modifying provisions relating to assessments of forest land for fire protection and suppression purposes.

REPORT OF STANDING COMMITTEE

April 10, 1981.

HOUSE BILL NO. 727, modifying provisions relating to assessments of forest lands for fire protection and suppression purposes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 14 after "assessed" strike "shall be designated as of the year the assessment becomes due and payable by the owner and"

On page 3 after line 35 insert a new section as follows:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, shall take effect immediately, and the assessments provided for in section 1 of this amendatory act shall be payable in 1982 and thereafter."

On page 1, line 3 of the title after "76.04.360" insert "and declaring an emergency".

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Haley, Hayner, Jones, Lee, Pullen.

The bill was read the second time by sections.

On motion of Senator Craswell, the committee amendments were adopted.

On motion of Senator Craswell, the committee amendment to the title was adopted.

On motion of Senator Craswell, the rules were suspended, House Bill No. 727, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senators Fleming, Lysen and Rasmussen were excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent or not voting, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Peterson, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Woody, Zimmerman—30.

Voting nay: Senators Bauer, Conner, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Pullen, Ridder, Williams, Wilson, Wojahn—14.

Absent or not voting: Senators Deccio, Patterson—2.

Excused: Senators Fleming, Lysen, Rasmussen—3.

HOUSE BILL NO. 727, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 297, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dawson, Garrett, McGinnis, Bickham, Brown, Lewis, McCormick, Houchen, McDonald, Hankins, Winsley, Lane, Schmidt, Sprague, Fancher, Bond, Leonard, Teutsch, Barrett, Lundquist, Maxie, Gruger, Lux, Becker, Grimm, Scott, Granlund, Martinis, Kreidler, Wang, Hine, King (J.), Gallagher, O'Brien, North, Bender, Ehlers, Sherman, Rinehart, Stratton, Warnke, Pruitt, Rust and Brekke):

Regulating medicare supplemental insurance.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 297, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Peterson—1.

Excused: Senator von Reichbauer—1.

SUBSTITUTE HOUSE BILL NO. 297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 431, by Committee on Institutions (originally sponsored by Committee on Institutions and Representatives Fiske, Erickson, Houchen and Ellis):

Placing judicial training under the administrator for the courts.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 431 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, there is a bill, I think, in the House, a House Bill 590, that deals with the funding of the judicial information system; and I have been given to understand by the administrator for the courts that it was possibly his intention to suggest that the JIS bill be offered as an amendment to this bill. Is it your intention not to do that, and what is the status of that judicial information system bill over in the House?"

Senator Hemstad: "Senator Talmadge, I was given the same information, but I do not see any, I have been given neither the amendment nor do I see any on my desk at the present time. May I ask, is there an amendment on the desk?"

President Cherberg: "There isn't any amendment on the desk, Senator."

Senator Talmadge: "Mr. President, I move that the bill be set down two bills to see if that is what the court administrator wants to do."

MOTION

On motion of Senator Clarke, Substitute House Bill No. 431 was ordered held on third reading.

SECOND READING

HOUSE BILL NO. 433, by House Committee on Institutions and Representatives Houchen, Owen and Leonard:

Providing for termination of the criminal justice training commission.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 433 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Peterson was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 433, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senator Conner—1.

Absent or not voting: Senator Patterson—1.

Excused: Senators Peterson, von Reichbauer—2.

HOUSE BILL NO. 433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

April 21, 1981.

For weeks, I have been interested in passage of House Bill 433 and yet had to be off the floor of the Senate at final passage.

I intended to vote for the bill. I would like to be so recorded.

Signed: Senator Hal Zimmerman

MOTION

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 707.

SECOND READING

HOUSE BILL NO. 707, by House Committee on Appropriations—Human Services and Representatives Mitchell, Ehlers, Erickson, Scott, King (R.), Martinis, Grimm and Walk:

Appropriating funds for water supply facilities.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, House Bill No. 707 was advanced to third reading, the second reading considered the third and the bill was placed on final passage and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 707 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Charnley—1.

Excused: Senators Peterson, von Reichbauer—2.

HOUSE BILL NO. 707, 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 Clarke, the Senate advanced to the eighth order of business.

MOTIONS

On motion of Senator Goltz, all members were permitted as additional sponsors to Senate Resolution 1981—77.

Senator Scott moved adoption of the following resolution:

SENATE RESOLUTION 1981-77

By Senators Hayner, Gould, Scott, Jones, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurlley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate;

WHEREAS, The United States has completed a most daring and energetic experiment in space travel by sending the shuttle Columbia in orbit around the earth and safely returning it and its occupants; and

WHEREAS, This magnificent achievement is the result of the dedication of thousands of individuals who have labored for years in an effort to realize this historical event; and

WHEREAS, The American people and the citizens of the state of Washington are filled with and a renewed sense of patriotism as a result of this outstanding accomplishment; and

WHEREAS, The Evergreen State is honored that one of its fine institutions of higher education, the University of Washington, contributed a significant and crucial role in this technological triumph by conducting research into the adequacy of the Columbia's thermal protection system and advising NASA on the critical issue of the feasibility of bonding lightweight ceramic fiber tiles to the aluminum aircraft; and

WHEREAS, Doctors J. I. Mueller and R.J.H. Bollard, two distinguished members of the University's faculty, spearheaded an elite group of faculty, staff and students who contributed their time and talents in making this vital contribution to the future of our nation's space program;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Doctor Mueller, Doctor Bollard, and the University of Washington are hereby duly recognized and honored for their superlative contributions to their country; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to these gentlemen and to the University of Washington in recognition of the gratitude we feel, and the pride we share, in the realization of this historical milestone.

The motion by Senator Scott carried and the resolution was unanimously adopted.

MOTION

On motion of Senator Clarke, the Senate returned to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 431, by House Committee on Institutions (originally sponsored by House Committee on Institutions and Representatives Fiske, Erickson, Houchen and Ellis):

Placing judicial training under the administrator for the courts.

The bill was read the third time and placed on final passage.

REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "Mr. President, members of the body.

"Substitute House Bill 431 on third reading, transfers to the office of the administrator of courts, responsibility for judicial training from the criminal justice training commission. It is the recommendation of the . . . budget committee in their sunset audit."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 431, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Deccio—1.

SUBSTITUTE HOUSE BILL NO. 431, 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 Clarke, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 136.

SECOND READING

HOUSE BILL NO. 136, by Representatives Lewis, Heck and Flanagan:

Increasing rates on certain loans.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, House Bill No. 136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 136 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Charnley, Lysen, Vognild, Williams—4.

Absent or not voting: Senator Jones—1.

HOUSE BILL NO. 136, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 144.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 144, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dawson, Monohon, Bickham, Lux, Scott and Garrett) (by Insurance Commissioner request):
Revising laws relating to insurance.

REPORT OF STANDING COMMITTEE

April 8, 1981.

SUBSTITUTE HOUSE BILL NO. 144, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, after line 16, insert the following:

"Sec. 6. Section .13.16, chapter 79, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1973 and RCW 48.13.160 are each amended to read as follows:

(1) An insurer may own and invest or have invested in its home office and branch office buildings any of its funds in aggregate amount not to exceed ten percent of its assets unless approved by the commissioner, or if a mutual or reciprocal insurer not to exceed ten percent of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars unless approved by the commissioner.

(2) An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business.

(3) An insurer may invest or have invested in aggregate amount not exceeding three percent of its assets in the following real property, and in the repair, alteration, furnishing, or improvement thereof:

(a) Real property requisite for its accommodation in the convenient transaction of its business if approved by the commissioner.

(b) Real property acquired by gift or devise.

(c) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property.

(d) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purposes specified in subsection (1) and in paragraph (a) of subsection (2) of this section.

(e) Upon approval of the commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

(4) A domestic life insurer with assets of at least twenty-five million dollars and at least ten million dollars in capital and surplus, and a domestic property and casualty insurer with assets of at least seventy-five million dollars and at least thirty million dollars in capital and surplus, or, if a mutual or reciprocal property or casualty insurer, at least thirty million dollars in surplus, may, in addition to the real

property included in subsections (1), (2) and (3) of this section, own such real property other than property to be used ~~((primarily))~~ for ~~((agricultural, horticultural;))~~ ranch, mining, recreational, amusement, or club purposes, as may be acquired as an investment for the production of income, or as may be acquired to be improved or developed for such investment purpose pursuant to an existing program therefor, subject to the following limitations and conditions:

(a) The cost of each parcel of real property so acquired under this subsection (4), including the estimated cost to the insurer of the improvement or development thereof, when added to the book value of all other real property under this subsection (4), together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets or fifty percent of its surplus over the minimum required surplus, whichever is greater, as of the thirty-first day of December next preceding; and

(b) The cost of each parcel of real property so acquired, including the estimated cost to the insurer of the improvement or development thereof, shall not exceed as of the thirty-first day of December next preceding, four percent of its admitted assets.

(c) Indirect or proportionate interests in real estate held by a domestic life insurer through any subsidiary shall be included in proportion to such insurer's interest in the subsidiary in applying the limits provided in subsection (4)."

On page 1, line 9 of the title, after "48.07.130;" insert "amending section .13.16, chapter 79, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1973 and RCW 48.13.160;"

On page 14, after line 8 insert the following:

"Sec. 16. Section .19.08, chapter 79, Laws of 1947 and RCW 48.19.080 are each amended to read as follows:

Under such rules and regulations as he shall adopt the commissioner may, by order, suspend or modify the requirement of filing as to any kind of insurance ~~((; subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used))~~. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standard prescribed in RCW 48.19.020."

Renumber the sections consecutively and correct internal references accordingly.

On page 1, line 28 of the title, after "48.17.390;" insert "amending section .19.08, chapter 79, Laws of 1947 and RCW 48.19.080;"

On page 14, after line 8, insert the following:

"Sec. 16. Section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 7, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.292 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 28 of the title, after "48.17.390;" insert "amending section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 7, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.292;"

On page 15, after line 3, insert the following:

"Sec. 17. Section .32.01, chapter 79, Laws of 1947 and RCW 48.36.010 are each amended to read as follows:

(1) Any corporation, society, order, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with RCW 48.36.050 hereof, is hereby declared to be a fraternal benefit society.

(2) A new fraternal benefit society or similar association shall not be organized or thereafter licensed, under this chapter or under any other law, which provides for the payment of benefits to members, unless it has surplus in the minimum amount of total capital and surplus required by RCW 48.05.340.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 29 of the title, after "48.20.460;" insert "amending section .32.01, chapter 79, Laws of 1947 and RCW 48.36.010;"

On page 17, line 15, after "own" insert "or lease"

On page 17, after line 22, add a new section to read as follows:

"NEW SECTION. Sec. 21. There is added to chapter 48.30 RCW a new section to read as follows:

(1) No licensed insurance agent shall be empowered to participate in the replacement of an existing life insurance policy or policies issued by a company that such agent does not have an appointment pursuant to RCW 48.17.160 unless and until such agent has been licensed pursuant to this chapter for two consecutive years;

(2) No licensed agent or general agent shall receive directly or indirectly any compensation for the issuance of a policy in violation of subsection (1) of this section; and

(3) No insurer shall directly or indirectly permit issuance of any policy in violation of subsection (1) of this section."

Renumber the remaining section accordingly.

On page 2, line 4 of the title, after "48.29 RCW;" insert "adding a new section to chapter 48.30 RCW;"

Signed by: Senators Sellar, Chairman; Bluechel, Bottiger, Clarke, Haley, Wojahn.

The bill was read the second time by sections.

Senator Sellar moved adoption of the committee amendment to page 6, line 16.

PARLIAMENTARY INQUIRY

Senator Charnley: "I would like the chair to clarify for me, the amendment we are discussing says to strike section 6 of Senate committee amendment to the bill. Am I correct that, effectively, if this floor amendment is adopted it strikes the committee amendment, and should not, would it not be clear for us simply to debate the merits of the amendment itself?"

Senator Sellar: Mr. President, I believe we are on the first amendment. I believe Senator Bauer was talking to the second amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Sellar, in reply to Senator Charnley, the President believes that Senator Charnley's remarks are well taken. Either vote the committee amendment up or down."

The committee amendment to page 6, line 16 was ruled to be in order.

Debate ensued.

The motion by Senator Sellar carried and the committee amendment was adopted.

Senator Sellar moved adoption of the committee amendment to page 14, line 8.

POINT OF INQUIRY

Senator Talmadge: "Senator Sellar, we are slipping through with that amendment pretty quickly. My concern was, for what reason did the insurance commissioner deem it necessary to have this authority to be able to suspend the need for filing the rates of various insurance companies?"

"It sounds suspiciously near to the provisions of House Bill 230, file and use."

Senator Sellar: "Actually, Senator, I do not believe that is true. As you know, the commissioner is against that. This just gives him broad authority to adopt rules, or suspend or modify the requirement. It does not eliminate the the requirement."

Senator Talmadge: "Did he state any specific need for this authority?"

Senator Clarke: "In answer to Senator Talmadge, if this is the amendment I think it is, there is a situation with respect, primarily, to inland marine types of policies, which are more or less unique in that they are more or less an item-by-item or risk-by-risk type of filing. It was found that the procedure of the industry has been not to file in advance those particular type of filings, because it is impractical to do so. It was found that a technical reading of the language requires the commissioner to have this prerequisite filing.

"This simply gives the commissioner authority in those instances where he feels that certain classes of policies should not need to be prefiled, he can waive it. He still retains the entire discretionary right but when the filing would serve no purpose as far as he is concerned, then this gives him authority to waive the filing."

Senator Talmadge: "Senator, could we make the language a little bit tighter, just to cover that line of insurance as opposed to the relatively broad language that

could enable an insurance commissioner, maybe not the present insurance commissioner, to waive the filing requirements for liability insurance, for example?"

Senator Clarke: "Well, the commissioner, under this amendment, has to make an affirmative finding. Frankly, quite a lot of effort was made to find a proper place in the code to put this amendment which would enable him to waive the filing for this particular type; and I think we made it just about as tight as we can, and certainly you and I both know that the commissioner is opposed to file and use and had no intention of creating a situation.

"Here he retains, actually, the ability to require the filing if he so desires."

The motion of Senator Sellar carried and the committee amendment to page 14, line 8 was adopted.

On motion of Senator Sellar, the remaining committee amendments were adopted.

On motion of Senator Clarke, the following amendments were considered and adopted simultaneously:

On page 16, line 30, strike "2" and insert "1".

On page 17, line 5, strike "2" and insert "1".

On motion of Senator Sellar, the committee amendments to the title were adopted.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 144, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 144, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wojahn, Woody, Zimmerman—39.

Voting nay: Senators Bauer, Fleming, Gaspard, Hughes, Lysen, Ridder, Talmadge, Vognild, Williams, Wilson—10.

SUBSTITUTE HOUSE BILL NO. 144, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 466.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 466, by House Committee on Energy and Utilities (originally sponsored by Representatives Sprague, Barnes, Isaacson, Heck, Flanagan, Bond, Scott and Williams):

Providing for the distribution of funds received under the geothermal steam act.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 466 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Gould, is there anything in this bill that affects privately owned land with geothermal resources under it?"

Senator Gould: "No, in my understanding this is only for use of leasing lands from state-owned lands."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 466, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

SUBSTITUTE HOUSE BILL NO. 466, 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 Clarke, the Senate commenced consideration of Engrossed Second Substitute House Bill No. 235.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235, by House Committee on Appropriations—Human Services (originally sponsored by House Select Committee on Corrections and Representatives Struthers, Becker, Houchen, Nelson (D.), Mitchell, Owen, Barr, Granlund, Winsley, Walk, Leonard, Galloway, Fiske, Warnke, Van Dyken, Erickson, Berleen, Stratton, Clayton, Johnson, Wilson, Rinehart, O'Brien and Wang):

Providing for correctional reform.

REPORT OF STANDING COMMITTEE

April 15, 1981.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235, providing for correctional reform (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 3, after "all" strike "inmates" and insert "able and eligible inmates who are assigned work and"

On page 18, after line 6, strike all material down through line 10 on page 21 and insert the following:

"**NEW SECTION.** Sec. 18. There is created within the department of corrections a state corrections standards advisory board which shall report to the secretary.

NEW SECTION. Sec. 19. The corrections standards advisory board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of the effective date of this act it shall recommend such advisory standards for the department as may be necessary to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements. It is the intent of the legislature that the advisory board give preference to the standards of the

United States department of justice and the Commission on Accreditation of Corrections in concert with the American Corrections Association and any other standards or proposals it finds appropriate. Whenever possible these standards should discourage duplication of services by the state and local governments.

(2) The secretary of corrections shall review the department of corrections' compliance with the advisory board's adopted standards. The standards shall be advisory only and may not be enforced by the board. All final standards shall be promulgated by the secretary of corrections. Each year after standards are adopted, the secretary of corrections shall report the degree of compliance to the governor and the legislature and whether the department has plans and schedules appropriate to meet the standards.

(3) The secretary of corrections shall review the development and functioning of the department's grievance procedures. The secretary of corrections shall visit and inspect each state correctional institution at least once a year to ensure compliance with department's standards and grievance procedures.

(4) The advisory board may recommend to the secretary of corrections advisory standards for the location, construction, and operation of all state correctional facilities and programs.

(5) The advisory board may recommend to the secretary of corrections the expenditure of public funds in a manner which recognizes and advances the board's standards.

(6) The secretary of corrections shall appoint an executive secretary to assist the advisory board in developing and reviewing the implementation of its standards. As authorized by the secretary of corrections, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties.

NEW SECTION. Sec. 20. In respect to local government facilities and programs, the corrections standards advisory board, commencing July 1, 1983, shall exercise the powers and duties of the state jail commission.

NEW SECTION. Sec. 21. (1) The corrections standards advisory board shall consist of nine voting members appointed by the governor with the consent of the senate. The secretary of corrections or his designee shall serve as an ex officio member without vote. In addition, the speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members, one from each of the two largest caucuses in their respective houses.

(2) The voting members shall serve four-year staggered terms. No member may serve more than two consecutive terms. Of the voting members, initially one-third shall be appointed for two-year terms, one-third for three-year terms, and one-third for four-year terms. The legislative members shall serve two-year terms, but their membership shall terminate if they cease to be legislators.

(3) The voting membership of the board shall be divided so that two-thirds of the members reside west of the Cascade mountains and one-third reside east of the Cascade mountains. One-third of the members shall be elected county, city, or town officials, one-third shall be elected or appointed state officials or their designees, and one-third shall be private citizens. In 1983, the members appointed to take the positions of the persons previously appointed to the two-year terms provided under subsection (2) of this section shall have been members of the state jail commission as local government representatives on June 30, 1983. The board shall include women and members of "minority groups" as that term is commonly understood.

(4) The members of the board shall not receive any compensation for their services but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for nonlegislative members and under RCW 44.04.120 for legislative members, as now or hereafter amended.

(5) The members shall elect a chairman and such other officers as they deem necessary.

NEW SECTION. Sec. 22. The corrections standards advisory board shall cease to exist six years after the effective date of this act unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of 1987 whether or not the board should be extended."

On page 21, on line 14, after "corrections." strike all material down through "services." on line 15

On page 21, on line 15, strike "attorney general" and insert "secretary"

On page 21, on line 27, after "(4)" strike all material down through "attorneys." on line 30 and insert "The secretary shall provide reasonable legal services which may include any of the following: (a) Law libraries, (b) law student interns, (c) volunteer attorneys, and (d) contracted services."

On page 22, on line 5, after "standards" insert "advisory"

On page 23, on line 5, after "standards" insert "advisory"

On page 25, after line 8, strike all material down through line 20 and insert the following:

"NEW SECTION. Sec. 28. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions provided under RCW 41.06.070, the provisions of this chapter shall not apply in the department of corrections to the secretary, the deputy secretary, the deputy secretary's confidential secretary, all division directors, each division director's confidential secretary, all deputy and assistant directors, the secretary's administrative assistant, all facility superintendents and associate superintendents for facilities with a resident capacity of fifty or more, and all management and sales staff of institutional industries and institutional industries staff who are directly involved in the supervising of industries work by inmates."

On page 28, beginning on line 7, strike "This temporary assistance shall not extend past July 1, 1982."

On page 53, beginning on line 11, strike "~~((of social and health services))~~ of the state of Washington" and insert "~~((of social and health services of the state of Washington))~~"

On page 75, after line 22, strike all material down through line 26 and renumber the remaining sections consecutively

On page 75, line 31, after "fund" strike "\$5,181,000" and insert "\$5,090,000"

On page 75, line 32, after "act." and before "The" insert "This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management."

On page 75, beginning on line 34, after "act." strike all material down through line 4 on page 76.

Signed by: Senators Deccio, Chairman, Craswell, Kiskaddon, McCaslin, Metcalf, Rasmussen.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment to page 15, line 3 was adopted.

On motion of Senator Deccio, the committee amendment to page 18, following line 6 was not adopted.

Senator Deccio moved the committee amendment to page 21, line 14 not be adopted.

Senator McDermott moved the committee amendment to page 21, line 14 be adopted.

Debate ensued.

The motion by Senator Deccio carried. The committee amendment to page 21, line 14 was not adopted.

On motion of Senator Deccio, the committee amendments to page 21, line 27; page 22, line 5 and page 23, line 5 were not adopted.

Senator Deccio moved adoption of the committee amendment to page 25, line 8.

Senator Talmadge moved adoption of the following amendment to the committee amendment to page 25, following line 8:

Amend the Committee amendment to page 25, after line 8, as follows: On line 12 of the amendment after "more" insert a period and strike the balance of the amendment.

Debate ensued.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted on a rising vote.

The motion by senator Deccio carried and the committee amendment to page 25, line 8, as amended, was adopted.

On motion of Senator Deccio, the committee amendments to page 28, line 7; page 53, beginning on line 11, page 75, following line 22; and page 75, line 31 were adopted.

On motion of Senator Deccio, the committee amendment to page 75, beginning on line 34 was not adopted.

Senator McDermott moved adoption of the following amendment:

On page 7, line 27, after "corrections" strike "reform"

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator McDermott.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

There being no objection, on motion of Senator Pullen, an amendment to page 13, line 16 on the desk of the Secretary of the Senate was withdrawn.

MOTIONS

On motion of Senator Ridder, Senator Charnley was excused.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Talmadge be considered and adopted simultaneously:

On page 13, line 21, after "programs" insert ": PROVIDED, That inmate labor shall not be used on public work projects outside the confines of correctional institutions that conflict with any competitive bid statute."

On page 17, line 12, after "amount" insert "PROVIDED, That inmate labor shall not be used on public work projects outside the confines of correctional institutions that conflict with any competitive bid statute."

POINT OF INQUIRY

Senator Deccio: "Senator Pullen, would you state for the record, exactly how this amendment would implement or would impede the use of inmate labor as I think is the intent of the bill, the intent of the"

Senator Pullen: "I am sorry, I could not hear the question."

Senator Deccio: "Would you outline specifically how this amendment would affect the use of inmate labor?"

Senator Pullen: "This amendment would prohibit work on public works projects outside the confines of the correctional institution that conflict with any competitive bid statute. They certainly could do whatever work within the confines of the institution that they wanted to and there would not be any problem at all with any work within the confines of the institution."

POINT OF INQUIRY

Senator Woody: "Senator Pullen, by 'conflict with competitive bid statute,' Senator Pullen, what is meant by those words?"

Senator Pullen: "I do not have in front of me a listing of all the competitive bid statutes but I do know that there are some statutes on the books that would prohibit having inmates go outside the confines of the institution and compete directly with the private sector.

"And while I do not have in front of me the RCWs to cite, I can say that prisoners, under the terms of this amendment, would not be able to compete with the private sector outside the confines of the penal institution."

Senator Woody: "Senator Pullen, if we adopt this amendment without knowing the extent of the term 'compete' with competitive bid statutes, how will this amendment affect our work training program, and the honor farm program at Monroe?"

Senator Pullen: "It wouldn't affect those programs at all."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Senator Pullen, the wording in these amendments, in part, says 'Public work projects that conflict with any competitive bid statute' and I do not see how a public work project can conflict with a competitive bid statute. I think what you are trying to say is something more like 'public work project to which competitive bid statutes are applicable.'

"But I am not sure and I am also not sure that the present wording is what you really intend."

Senator Pullen: "I think it is what is intended, but if you can hold this for five minutes, I think I can get that information to you."

Further debate ensued.

The motion by Senator Pullen failed and the amendments were not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 15, add a new section 12, as follows:

"NEW SECTION. Sec. 12. No inmate shall be allowed to participate in a work program outside the confines of the correctional institution if such inmate is under imprisonment for the crime of murder in the first or second degree, assault in the first or second degree, robbery in the first or second degree, rape in the first or second degree, or arson in the first or second degree."

Debate ensued.

Senator Vognild moved adoption of the following amendment to the amendment by Senator Pullen:

Strike "or second" in all instances where used in the amendment.

Debate ensued.

The motion by Senator Vognild failed and the amendment to the amendment was not adopted on a rising vote.

Further debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays, 29; absent or not voting, 4; excused, 1.

Voting yea: Senators Bauer, Conner, Craswell, Fuller, Gallagher, Hansen, Hughes, Hurley, Metcalf, Peterson, Pullen, Quigg, Rasmussen, Vognild, Wilson—15.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fleming, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, Lysen, McCaslin, Moore, Patterson, Ridder, Scott, Sellar, Talley, Talmadge, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—29.

Absent or not voting: Senators Bottiger, McDermott, Newhouse, Shinpoch—4.

Excused: Senator Charnley—1.

Senator Moore moved adoption of the following amendment:

On page 67, line 2, after "businesses," strike all material down to and including the period on line 4 and insert:

"~~(*)~~ (11) The extent to which employment opportunities in institutional industries match the available pool of inmate work skills and aptitudes with the work opportunities in the free community; and

(12) Any further information requested by the governor or the legislature."

On motion of Senator Quigg, the following amendment to the amendment by Senator Moore was adopted:

On line 5 of the Moore amendment, strike "free" and insert "non-correctional"

The motion by Senator Moore carried and the amendment, as amended, was adopted.

On motion of Senator Woody, the following amendment by Senators Woody, Kiskaddon, Deccio, Vognild, Gould, Metcalf and McDermott was adopted:

On page 68, line 11, insert the following new section:

"NEW SECTION. Sec. 109. It is the intent of the legislature that limitations be placed on the state correctional institutions at Monroe.

The following facilities at Monroe shall be subject to the inmate population limitations specified in this section.

(1) The Special Offender Center shall house no more than 144 inmates.

(2) The proposed medium security facility shall house no more than 500 inmates.

(3) The Monroe reformatory population shall be as determined pursuant to federal court order:

PROVIDED, That the governor may declare an emergency and increase by ten percent for a twelve-month period of time the population limitation of any of the facilities specified in this section."

Renumber remaining sections consecutively.

There being no objection, on motion of Senator Pullen, an amendment deleting all sections except 3, 4, 5 and 6 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Deccio, the rules were suspended, Engrossed Second Substitute House Bill No. 235, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 235, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Fleming, Jones, McDermott, Pullen, Ridder, Shinpoch, Vognild—7.

Absent or not voting: Senator Hurley—1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 235, 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 Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1981.

Mr. President: The House has adopted: ENGROSSED SENATE CONCURRENT RESOLUTION NO. 113, with the following amendment,

On page 1, following line 7, insert:

"BE IT FURTHER RESOLVED, That the provisions of House Concurrent Resolution No. 3 are suspended for all measures which were in the ways and means committees, rules committees or on the floor calendar of each house as of 10:00 a.m. April 21, 1981: PROVIDED, That after 5:00 p.m. on April 22, 1981, the one hundred first day of the session, neither the house nor the senate shall consider any bills except omnibus appropriation (commonly known as the budget or supplemental budget), revenue, and redistricting bills, messages pertaining to amendments, matters of differences between the two houses, conference and/or conference reports, and matters incident and pertaining to the interim and to the closing of the business of the regular session of the legislature.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Clarke moved the Senate concur in the House amendment to Engrossed Senate Concurrent Resolution No. 113.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Hayner, as I read this, it says, 'All measures which were in ways and means, rules,' would this include Senate bills which had previously failed to meet the Senate cutoff?"

Senator Hayner: "No, it would not include those that have not met the cutoff."
Further debate ensued.

Senators Newhouse, Clarke and Hayner demanded the previous question.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senator Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

The President declared the question before the Senate to be the motion by Senator Clarke that the Senate concur in the House amendment to Engrossed Senate Concurrent Resolution No. 113.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the Senate concur in the House amendment to Engrossed Senate Concurrent Resolution No. 113.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 28; nays, 20; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—20.

Absent or not voting: Senator Charnley—1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 113, as amended by the House.

ROLL CALL

The Secretary called the roll and the resolution passed the Senate by the following vote: Yeas, 29; nays, 19; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—29.

Voting nay: Senators Bauer, Charnley, Conner, Fleming, Gaspard, Hansen, Hughes, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—19.

Absent or not voting: Senator Bottiger—1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 113, as amended by the House, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 354.

SECOND READING

HOUSE BILL NO. 354, by House Committee on State Government and Representatives Addison and Walk:

Transferring some functions of the state planning and community affairs agency to the office of financial management.

The bill was read the second time by sections.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 354, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Voting nay: Senator Charnley—1.

Absent or not voting: Senator Scott—1.

HOUSE BILL NO. 354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 425, by House Committee on Education (originally sponsored by House Committee on Education and Representatives Lewis, Johnson, O'Brien, Patrick and North):

Permitting students of private schools to ride public school buses.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 425, permitting students of private schools to ride public school buses (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

Every school district board of directors may authorize children attending a private school approved in accordance with RCW 28A.02.201 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;

(2) Private school students shall be allowed to ride on a seat-available basis only; and

(3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Hemstad, Scott. The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Ridder, Senator Bottiger was excused.

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 425, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 425, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—45.

Voting nay: Senators Lee, Shipoch—2.

Absent or not voting: Senator Woody—1.

Excused: Senator Bottiger—1.

SUBSTITUTE HOUSE BILL NO. 425, 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 McDermott, Senators Fleming and Woody were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 427, by House Committee on Education and Representatives Lewis and O'Brien:

Implementing law relating to sale or lease of school district surplus property.

REPORT OF STANDING COMMITTEE

April 7, 1981.

ENGROSSED HOUSE BILL NO. 427, implementing law relating to sale or lease of school district surplus property (reported by Committee on Education):

Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02-.110 are each amended to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, ~~((instructional))~~ materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to the office of the state superintendent of public instruction and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.58.103(2) shall have priority as to such texts. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

Sec. 2. Section 2, chapter 115, Laws of 1980 and RCW 28A.58.033 are each amended to read as follows:

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.58.034 and 28A.58.040, each as now or hereafter amended, is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall send written notice to the office of the state superintendent of public instruction. School districts shall not rent or lease the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies.

Sec. 3. Section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040 are each amended to read as follows:

The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.58.045, as now or hereafter amended, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.58.045, as now or hereafter amended, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the

same, and all conveyances of real estate made to the district shall vest title in the district.

Sec. 4. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall send written notice of that intent to the office of the state superintendent of public instruction. School districts shall not sell the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of ~~((such appraised market value))~~ the average of the three appraisals made by the brokers: PROVIDED, That if the property has been on the market for ((three) one year((s)) or more the property may be reappraised and sold for not less than seventy-five percent of the ((appraised)) average reappraised value with the unanimous consent of the board.

~~((4))~~ (6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section; PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

~~((5))~~ (7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated

and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Kiskaddon, Chairman; Bottiger, Craswell, Gaspard, Hemstad, Lee, Scott, Talmadge, Wojahn.

The bill was read the second time by sections.

On motion of Senator Kiskaddon, the committee amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Engrossed House Bill No. 427, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Kiskaddon, what happens to the funds generated by the sale of these buildings? Where do they go?"

Senator Kiskaddon: "That is really not a part of this bill. There is another bill coming up that actually deals with the sale of property and the funds, the building fund, and that is where these funds would go, really doesn't have any application to this bill."

Senator Quigg: "Thank you. Perhaps Senator Gould could . . ."

Senator Gould: "In answer to Senator Quigg's question. Any surplus property which is real property goes directly into the building fund. It cannot go into maintenance and operation fund."

Senator Quigg: "At the district or state level?"

Senator Gould: "At the district, the district itself."

Senator Quigg: "In other words, timber sold in a timber district that builds a building in another district ends up staying in the district where the building was built. There is no way it could then be put into a state fund and then somehow returned back to a district where the timber was logged?"

Senator Gould: "If you are talking about timber that is under the jurisdiction of the natural resources, I can't tell you that."

Senator Quigg: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vogniid, von Reichbauer, Williams, Wilson, Wojahn, Zimmerman—44.

Voting nay: Senators Lee, Shinpoch, Woody—3.

Excused: Senators Bottiger, Fleming—2.

ENGROSSED HOUSE BILL NO. 427, 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 Clarke, the Senate commenced consideration of Engrossed House Bill No. 620.

SECOND READING

ENGROSSED HOUSE BILL NO. 620, by House Committee on State Government and Representatives Addison, Walk and North (by Washington State Patrol request):

Providing for disability leave for state patrol officers.

REPORT OF STANDING COMMITTEE

April 14, 1981.

ENGROSSED HOUSE BILL NO. 620, providing for disability leave for state patrol officers (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

On page 1, line 27, after "disability" insert "status"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Moore, Quigg, Rasmussen, Sellar.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendment was adopted.

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 620, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 620, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Hayner, Hemstad, Jones—3.

Excused: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 620, 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 Clarke, the Senate commenced consideration of House Bill No. 530.

SECOND READING

HOUSE BILL NO. 530, by Representatives O'Brien and Ellis:

Modifying amounts payable for certain death benefits.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, House Bill No. 530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 530 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Deccio, von Reichbauer—2.

HOUSE BILL NO. 530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 244, by representatives Valle, Sanders, Brekke, Berleen, Fancher, McCormick, Addison and Lux:

Establishing liability for leaving a restaurant without paying.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, House Bill No. 244 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hemstad, maybe I am not reading this bill correct. If a minor child would go to McDonald's, order hamburgers, and then suddenly take off without paying for it, would that subject his parents to \$100 up to \$200 fine?"

Senator Hemstad: "Yes; he, however, could be prosecuted like or treated as a juvenile and treated within the juvenile offender system; but the simple answer to your question is 'yes.'"

POINT OF INQUIRY

Senator Talmadge: "Senator Hemstad, in our caucus, Senator Wilson I think, raised a very pertinent point and I would like your assurance on his subject.

"If a customer walks into a restaurant and was served a meal that was less than the quality nature, and the customer refused to pay for the meal because the meal was lousy, would the customer be subjected to liability under this section?"

Senator Hemstad: "He could certainly be pursued under it. His offense would be that he had not received consideration for, the kind of consideration that he had sought to purchase and therefore that would be his defense."

POINT OF INQUIRY

Senator Lysen: "Senator Hemstad, . . . you went in a restaurant and you went in . . . the food stamps being cut off now and people being more in need than ever if you read the papers because of the food banks . . . a hungry person went in and just had a meal in a restaurant and then stayed there and then tried to sneak away and said 'I'll do the dishes or anything.' Could he still be prosecuted or would that be a defense?"

Senator Hemstad: "He theoretically probably could be prosecuted. The question is, I suppose, more pertinent as to whether he would be.

"What the bill does is make the stealing of food equivalent to shoplifting; and the question, I suppose, is, who should pay for that, the owner of the restaurant just as the owner of the five-and-dime store when a shoplifting occurs.

"It still translates into whether, in fact, the prosecution will take place in all of that translation . . . It would seem to me to be entirely appropriate bill."

POINT OF INQUIRY

Senator Wilson: "Senator Hemstad, I realize this is a consent bill. Senator Hemstad, will you compare for me the penalty under this bill for somebody who skips out from a ten dollar meal to the person who tries to shoplift a ten dollar item from a variety store."

Senator Hemstad: "I am sorry, would I compare the two?"

Senator Wilson: "Yes, the maximum penalties. Is this a higher penalty in relation to shoplifting an item of comparable value to a ten dollar meal, or a lesser penalty, or about the same level of penalty?"

Senator Hemstad: "The same level of penalty."

POINT OF INQUIRY

Senator Guess: "Senator Hemstad, the English grammar construction in this Senate bothers me very much, it is on page 2 of the bill. It says that 'The parent or legal guardian, having custody of an emancipated minor who orders a meal in a restaurant or other eating establishment. . . ' It seems to me that the parent or guardian is going to do the ordering of the meal."

Senator Hemstad: "I do not read it that way, Senator Guess."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 244, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Gallaghan, Gaspard, Goltz, Gould, Haley, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Metcalf, Newhouse, Pullen, Quigg, Scott, Sellar, Wilson, Zimmerman—25.

Voting nay: Senators Charnley, Conner, Craswell, Fleming, Fuller, Guess, Hansen, Hurley, Lysen, McCaslin, McDermott, Moore, Patterson, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—23.

Absent or not voting: Senator von Reichbauer—1.

HOUSE BILL NO. 244, 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.

POINT OF INQUIRY

Senator Fleming: "Senator Clarke, do you have any idea how long Senator Scott has indicated to you the ways and means committee might go?"

Senator Clarke: "He hasn't indicated to me."

Senator Fleming: "My reason for asking, Senator Clarke, because last time we had ways and means right up to 7 o'clock and some of us did not get a chance to eat, and I am just wondering, is there some way we can, in the spirit of cooperation, do something about that? Senator Scott, you have a few words of wisdom?"

Senator Scott: "Senator, I think if the worst should happen, it would do wonders for your profile."

MOTION

At 5:31 p.m., on motion of Senator Clarke, the Senate recessed until 7:00 p.m. There being no objection, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 21, 1981.

SENATE BILL NO. 3655, providing for redistricting and reapportionment (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3655 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Metcalf, Chairman; Benitz, Deccio, Gallagher, Quigg, Sellar.

Passed to Committee on Rules for second reading.

April 17, 1981.

SENATE BILL NO. 3765, relating to nursing homes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3765 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Hayner, Jones, Lee, Pullen, Zimmerman.

MINORITY recommendation: That it not be substituted.

Signed by: Senators Bauer, McDermott.

Passed to Committee on Rules for second reading.

April 20, 1981.

SENATE BILL NO. 4299, relating to social and health services (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 4299 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Hayner, Jones, Lee, Pullen.

MINORITY recommendation: Do not pass.

Signed by: Senators Bauer, Fleming, Gaspard, Hughes, McDermott, Ridder, Wojahn.

Passed to Committee on Rules for second reading.

April 20, 1981.

SUBSTITUTE HOUSE BILL NO. 175, modifying provisions on timber taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Gaspard, Hayner, Lee, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

April 20, 1981.

ENGROSSED HOUSE BILL NO. 214, exempting nonprofit musical, dance artistic, dramatic and literary association for property taxation.

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Haley, Lee, McDermott, Pullen, Zimmerman.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

April 21, 1981.

LARRY W. HERRON, to the position of Member of the Board of Trustees for Community College District Number 3, Olympic, appointed by the Governor on March 20, 1981 for the term ending September 30, 1985, succeeding Ronald Lee Rogerson (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

PATRICIA A. RICHARDSON, to the position of Member of the Board of Trustees for Community College District Number 20, Walla Walla, appointed by the Governor on March 20, 1981 for the term ending September 30, 1985, succeeding himself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

WARREN CHINN, to the position of Member of the Horse Racing Commission, appointed by the Governor on January 22, 1981 for the term ending January 17, 1983, succeeding Nancy Purviss (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

April 21, 1981.

E. BRUCE WOODRUFF, to the position of Member of the Board of Trustees for Community College District Number 8, Bellevue, appointed by the Governor on March 10, 1981 for the term ending September 30, 1985, succeeding Claire Thomas (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

THELMA J. JACKSON, to the position of Member of the Board of Trustees for The Evergreen State College, appointed by the Governor on March 10, 1981 for the term ending September 30, 1986, succeeding Dr. Eugene W. Wiegman (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

HELEN V. HEINEMANN, to the position of Member of the Board of Trustees for Community College District Number 18, Big Bend, appointed by the Governor on March 17, 1981 for the term ending September 30, 1985, succeeding Rowena B. Christensen (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

WILL BACHOFNER, to the position of Member of the Horse Racing Commission, appointed by the Governor on January 22, 1981 for the term ending January 12, 1987, succeeding James Bender (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

April 21, 1981.

ROBERT L. MEAD, to the position of Member of the Horse Racing Commission, appointed by the Governor on January 22, 1981 for the term ending January 14, 1985, succeeding James B. Hovis (reported by Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Fleming, Gallagher, McDermott, Quigg, Rasmussen, Sellar.

Passed to Committee on Rules.

April 21, 1981.

VIRGINIA B. EVANS, to the position of Member of the Board of Trustees for Community College District Number 19, Columbia Basin, appointed by the Governor on March 19, 1981 for the term ending September 30, 1985, succeeding H. James Worthington (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

MARK C. ENDRESEN, to the position of Member of the Public Employment Relations Commission, appointed by the Governor on March 30, 1981 for the term ending September 8, 1983, succeeding John H. Leinen (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Williams.

Passed to Committee on Rules.

April 21, 1981.

DOROTHY DAVIS PLATH, to the position of Member of the State Board for Community College Education, appointed by the Governor on March 23, 1981 for the term ending April 3, 1984, succeeding James M. Spalding (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

BARBARA MANOR, to the position of Member of the Board of Trustees for Community College District Number 4, Skagit Valley, appointed by the Governor on March 19, 1981 for the term ending September 30, 1985, succeeding Scott O. Richards (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

CHARLES T. COLLINS, to the position of Member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on April 6, 1981 for the term ending January 15, 1984, new position (reported by Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Newhouse, Quigg.

MINORITY recommends that said appointment not be confirmed.

Signed by: Senators Moore, Williams.

Passed to Committee on Rules.

April 21, 1981.

DANIEL J. EVANS, to the position of Member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on April 6, 1981 for the term ending January 15, 1983, new position (reported by Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gould, Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams, Wilson, Woody.

Passed to Committee on Rules.

April 21, 1981.

MRS. BENAY NORDBY, to the position of Member of the Board of Trustees for Community College District Number 10, Green River, appointed by the Governor on April 8, 1981 for the term ending September 30, 1985, succeeding herself (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, McDermott, Patterson, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

April 21, 1981.

BETTY JO NEILS, to the position of Member of the Public Broadcasting Commission, appointed by the Governor on April 9, 1981 for the term ending June 19, 1984, succeeding Louis O. Steward (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Williams.

Passed to Committee on Rules.

April 21, 1981.

DAVE CROCKETT, to the position of Member of the Public Broadcasting Commission, appointed by the Governor on April 9, 1981 for the term ending June 19, 1984, succeeding J. Birney Blair (reported by Committee on Commerce and Labor):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Quigg, Chairman; Hurley, Newhouse, Sellar, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

April 21, 1981.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 752, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The House has adopted: HOUSE CONCURRENT RESOLUTION NO. 24, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3129,
 SENATE BILL NO. 3262,
 SENATE BILL NO. 3293,
 SENATE BILL NO. 3295,
 SENATE BILL NO. 3319,
 SENATE BILL NO. 3338,
 SENATE BILL NO. 3352,
 SENATE BILL NO. 3354,
 SENATE BILL NO. 3362,
 SENATE BILL NO. 3383,
 SUBSTITUTE SENATE BILL NO. 3415,
 SENATE BILL NO. 3536,
 SENATE BILL NO. 3555,
 SENATE BILL NO. 3589,
 SENATE BILL NO. 3595,
 SENATE BILL NO. 3626,
 SENATE BILL NO. 3641,
 SENATE BILL NO. 3834,
 SUBSTITUTE SENATE BILL NO. 4036,
 SUBSTITUTE SENATE BILL NO. 4182,
 SUBSTITUTE SENATE BILL NO. 4319, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 3254,
 SUBSTITUTE SENATE BILL NO. 3542,
 SUBSTITUTE SENATE BILL NO. 3602,
 ENGROSSED SENATE BILL NO. 3928,
 SUBSTITUTE SENATE BILL NO. 4087,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4190, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The Speaker has signed HOUSE BILL NO. 143 and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 387,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 484,

SUBSTITUTE HOUSE BILL NO. 598, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 20, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 739, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

WAIVER OF FIVE-DAY MEETING NOTICE

Under the provisions of Rule 47 of the Permanent Rules of the Senate, Forty-seventh Legislature, 1981, it is agreed that the five-day meeting notice be waived for consideration of Gubernatorial Appointments 470 and 469.

Waiver of notice has been necessitated by the pending deadline for reading in of committee reports and is appropriate in consideration of the preceding public hearing held on the bill on April 16, 1981.

Signed by: Senators Gould, Chairman; McCaslin, Vice Chairman; Fuller, Hemstad, Hurley, Moore, Newhouse, Quigg, Williams, Wilson and Woody.

SIGNED BY THE PRESIDENT

The President signed: HOUSE BILL NO. 143.

MOTIONS

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

On motion of Senator Clarke, the Senate commenced consideration of Engrossed House Bill No. 493.

SECOND READING

ENGROSSED HOUSE BILL NO. 493, by House Committee on Ethics, Law and Justice and Representatives Ellis and Salatino:

Modifying requirements for the use and foreclosure of deeds of trust.

REPORT OF STANDING COMMITTEE

April 14, 1981.

HOUSE BILL NO. 493, modifying requirements for the use and foreclosure of deeds of trust (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 30 after the period, restore all of the deleted material in section 2.

On page 13, line 7, section 6(1) after "prior to the" strike "tenth" and insert "~~((tenth))~~ eleventh"

On page 13, line 10, section 6(1) after "prior to the" strike "tenth" and insert "~~((tenth))~~ eleventh"

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendments were adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 493, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 493, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 4; absent or not voting, 9.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—36.

Voting nay: Senators Charnley, McDermott, Rasmussen, Ridder—4.

Absent or not voting: Senators Bauer, Bottiger, Conner, Fleming, Gallagher, Hughes, Lysen, Peterson, Williams—9.

ENGROSSED HOUSE BILL NO. 493, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 184, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representative Ellis):

Rejecting federal bankruptcy law exemptions.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senators Bauer and Bottiger were excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 184, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent or not voting, 4; excused, 2.

Voting yea: Senators Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wojahn, Woody, Zimmerman—34.

Voting nay: Senators Fleming, Hansen, McDermott, Moore, Ridder, Talmadge, Vognild, Williams, Wilson—9.

Absent or not voting: Senators Gallagher, Hughes, Lysen, Peterson—4.

Excused: Senators Bauer, Bottiger—2.

SUBSTITUTE HOUSE BILL NO. 184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 734, by House Committee on Labor and Economic Development and Representatives Patrick and Sanders:

Relating to the sale, purchase or exchange of used mobile homes in conjunction with real estate.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, House Bill No. 734 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 734, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Ridder—1.

Absent or not voting: Senators Deccio, Gallagher, Lysen—3.

Excused: Senator Bauer—1.

HOUSE BILL NO. 734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 532, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell) (by Department of Social and Health Services request):

Modifying the reporting requirements of the child protective services.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 532 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 532, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senator Gallagher—1.

Excused: Senator Bauer—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 532, 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

Senator Bottiger moved the Senate now consider Engrossed House Bill No. 599.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Yes, Mr. President, would Senator Clarke yield?"
(Senator Clarke refused to yield.)

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate now consider Engrossed House Bill No. 599.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 22; nays, 25; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Lysen—1.

Excused: Senator Bauer—1.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Second Substitute House Bill No. 628.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 628, by House Committee on Appropriations — Human Services (originally sponsored by House Committee on Institutions and Representatives Houchen, Johnson and Ellis):

Requiring parental consent for the release of youth from residential schools.

REPORT OF STANDING COMMITTEE

April 13, 1981.

SECOND SUBSTITUTE HOUSE BILL NO. 628, requiring parental consent for the release of youth from residential schools (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 10, after "Sec. 3." strike everything down to and including "assumed" on line 14 and insert "It is the intent of the legislature"

Signed by: Senators Deccio, Chairman; Craswell, Kiskaddon, Metcalf, Ridder.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was adopted.

On motion of Senator Deccio, the rules were suspended, Second Substitute House Bill No. 628, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 628, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1. Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Haley—1.

Absent or not voting: Senator Lysen—1.

Excused: Senator Bauer—1.

SECOND SUBSTITUTE HOUSE BILL NO. 628, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 178, by House Committee on State Government (originally sponsored by House Committee on State Government and Representatives Garson and Kreidler):

Modifying requirements for building and funding the Washington center for the performing arts.

REPORT OF STANDING COMMITTEE

April 10, 1981.

SUBSTITUTE HOUSE BILL NO. 178, modifying requirements for building and funding the Washington center for the performing arts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "government" strike "or" and insert "((or))₂"

On page 2, line 10, after "sources" insert: ", or any other sources available including funds available pursuant to chapter 67.28 RCW"

Signed by: Senators Scott, Chairman; Bluechel, Deccio, Gaspard, Haley, Hayner, Jones, Lee, Ridder, Wojahn.

The bill was read the second time by sections.

On motion of Senator Scott, the committee amendments were adopted.

On motion of Senator Scott, the following amendment to the title was adopted:

On page 1, line 2, after "arts" insert "and the Pantages Theatre"

On motion of Senator Scott, the rules were suspended, Substitute House Bill No. 178, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Hemstad, all I know about the Olympia project is what I read in the newspapers and what I read in the newspapers, as I recall, tells me that the original project which was the basis for the original funding of this bill, did not materialize and that in its place, the community committee is now recommending the possible purchase and renovation of an existing old theatre.

"And I would like to have a very brief description of the events that took place from the time of the original appropriation to this bill."

Senator Hemstad: "The original idea in Olympia was to build a new theatre on donated land in the west side of Olympia. Because of difficulties, both with potential traffic congestion and the location itself, the decision was made by the city to build, as required by the statute currently in place, to build a new theatre in downtown Olympia, rather than on the west side.

"After further public discussion and considerable planning, including a RUDAT study, to deal with the question of the larger issues of redevelopment of the Olympia area, it was concluded that an entirely new theatre would be too expensive and beyond the capacity of the community to fund.

"Therefore the decision was made to pursue the matter with the renovation of an older and potentially very attractive theatre at substantially less cost over all, and thereby also to save a theatre of some historic significance in the community."

Senator Goltz: "Senator Hemstad, has the city of Olympia fulfilled its commitment under the law, under the previous act, to provide the real estate necessary for this particular facility to be located on?"

Senator Hemstad: "The city had purchased property for the purposes intended in the act, or is in the process of doing so. Now the project is switched from that to the renovation of the theatre. The intention now will be to purchase that theatre, and options, I believe, have been taken on the property to do just that."

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President and members of the Senate and especially Senator Goltz.

"I think the bill has been cleaned up, Senator Goltz, so that the bonding cannot be provided until the city expends its share of the money, or the Federal government, or the people, and this simply permits them to do that.

"And we are busily trying to do it in Tacoma, also, and I appreciate the support from Senator Scott in assisting me, and also Senator Hemstad in getting the Pantages included, because apparently there was some misunderstanding about their being included in the bill.

"So I do not think there is a problem. They must come up with their share before the bonds are ever sold."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 178, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 2; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Gould, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, Metcalf, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman—35.

Voting nay: Senators Goltz, Jones, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Sellar, Talley, Wilson—11.

Absent or not voting: Senators Hayner, Lysen—2.

Excused: Senator Bauer—1.

SUBSTITUTE HOUSE BILL NO. 178, 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.

There being no objection, at 8:04 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 8:45 p.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Schmidt, Tilly, Dawson, Patrick, James, Johnson, Nelson (G.), Struthers, Winsley, Barr, Addison, Hastings, Granlund, Walk and Owen):

Revising provisions pertaining to capital punishment.

REPORT OF STANDING COMMITTEE

April 16, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, revising provisions pertaining to capital punishment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 11, delete all of section 1 and renumber the remaining sections consecutively.

On page 7, line 17 after the period, strike all material down to and including the period on line 22

On page 8, line 19, after "jury" strike "returns a negative" and insert "does not return an affirmative"

On page 15, line 21, after "death" strike all material down to and including "family" on line 25

On page 15, line 26 after "(1)" strike all material down to and including "penitentiary" on line 29 and insert "The punishment of death shall be supervised by the superintendent of the penitentiary and shall be inflicted either by hanging by the neck until death is pronounced by a licensed physician or, at the election of the defendant, by continuous, intravenous administration of a lethal dose of sodium thiopental until death is pronounced by a licensed physician"

On page 15, line 30, strike all of subsection (2) and renumber the remaining subsection consecutively

Signed by: Senators Clarke, Chairman; Hayner, Newhouse, Pullen, Woody.

The bill was read the second time by sections.

On motion of Senator Talmadge, the committee amendments were adopted.

On motion of Senator Hemstad, the following amendment was adopted:

On page 5, after line 11, add the following subsection:

"(4) Upon receiving the notice of special proceeding, the court may appoint counsel to assist the defendant's attorney where the court believes such assistance is required to provide the defendant an effective defense. Counsel appointed pursuant to this section shall have at least five years experience in criminal law in the state of Washington and shall be approved by the Criminal Law Section of the Washington State Bar Association, who shall maintain a list of attorneys qualified to represent criminal defendants subject to the sentence of death. The cost of counsel appointed pursuant to this section shall be borne by the state."

Senator Goltz moved adoption of the following amendment:

On page 16, line 3, after "carried out" strike "within the walls of the state penitentiary" and insert "publicly in the county in which the defendant was sentenced."

Debate ensued.

The motion by Senator Goltz failed and the amendment was not adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen moved that the Senate reconsider the vote by which the amendment by Senator Hemstad to page 5, line 11 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hemstad, what is the process used now when a defendant cannot afford an attorney, can you explain that to us?"

Senator Hemstad: "The current process will vary from one county to another depending upon the structure that exists in that county. If it is a county where private attorneys are appointed, they will tend to be attorneys with less experience unless they are willing on a *pro bono* basis to take this case because at least in the smaller counties, they tend not to be able to afford to pay for that kind of a defense.

"There are then legally created defense structures that are available for indigent defendants in some of the counties, such as King county. There is a different structure in Pierce county. So there are different kinds of systems in place in the state at the present time.

Senator Deccio: "Well, if I may continue, Mr. President.

"I guess the thing I was getting at, doesn't the judge, isn't the judge the one that appoints the attorney and if so, are we leaving it up to the judge to, in his judgment and knowledge, to appoint a properly experienced attorney to handle these kinds of cases?"

Senator Hemstad: "Yes."

Senator Deccio: "Well, I guess my next question would be, if that is the case we place a lot of faith in judges, why do we need this additional language in this bill in order to insure that a defendant gets the proper kind of legal representation?"

Senator Hemstad: "In order to attract sufficient number of experienced private attorneys who have the kind of skill and capacity to provide an effective representation."

Further debate ensued.

The motion by Senator Rasmussen to reconsider the amendment by Senator Hemstad failed.

Senator Goltz moved adoption of the following amendment:

On page 16, after line 3, insert:

"(4) The secretary of social and health services shall institute a system whereby a majority vote of the members of the house of representatives present and voting on its electric roll call machine will release the trap door of the gallows for any execution under subsection (1) of this section. The governor shall call a special legislative session for the purpose of the voting required under this subsection for each execution under subsection (1) of this section."

Debate ensued.

The motion by Senator Goltz failed and the amendment was not adopted.

Senator Fleming moved adoption of the following amendment:

On page 16, line 3, following "." insert a new subsection to read:

"(4) Upon application, a warden may permit photographs and silent television broadcasting of an execution under the following conditions:

(a) Permission shall have been first expressly granted by any defendant who is to be executed: PROVIDED, That such permission may be withdrawn at any time;

(b) The media personnel will not distract participants or impair the dignity of the proceedings;

(c) The media shall agree to provide prior warnings of the content of any broadcast of any execution conducted in Washington;

(d) No witness to the execution, or participant in the conduct of the execution who expresses any objection shall be photographed or have his image transmitted via the television broadcast."

Debate ensued.

The motion by Senator Fleming failed and the amendment was not adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 76, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 76, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Woody, Zimmerman—33.

Voting nay: Senators Bluechel, Charnley, Conner, Fleming, Goltz, Gould, Hemstad, Kiskaddon, McDermott, Moore, Ridder, Shinpoch, Williams, Wilson, Wojahn—15.

Absent or not voting: Senator Lysen—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 250, by House Committee on Labor and Economic Development (originally sponsored by House Committee on Labor and Economic Development and Representatives Sanders, Eberle, Clayton, Smith, Hankins, Barrett, Patrick, Flanagan, Barr, Johnson and Wilson):

Exempting contractors employing subcontractors from industrial insurance requirements.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Substitute House Bill No. 250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hansen: "Mr. President, ladies and gentlemen of the Senate.

"Last fall I had a telephone call from one of my constituents that was falling trees. He went to work for a logging outfit, the logging outfit says 'We'll make you subcontractors, and you will have to carry your own insurance.'

"So he went down to make application to pay, to carry insurance on himself through the department. The department, after questioning and finding out what it was, they turned around and went back to the timber outfit that hired him, and says he is nothing more or less than a hired hand to fall trees, 'so you are going to be responsible.'

"Is this bill going to let that forest man get away with this . . . ?"

Senator Quigg: "In response to the question by Senator Hansen, Senator, the language in the bill sets out the provisions, or the requirements that would have to be met for that subcontractor to qualify as a subcontractor and therefore be responsible for purchasing his or her own worker compensation coverage, or qualifying with the state for that coverage, and it sets out that they must maintain a separate set of books or records, they've got to have a principal place of business, you know, within the, let's see, 'have a principal place of business which shall be eligible for

business deduction for internal revenue service tax purposes, and in effect, be established as a employer.' And in the case of your constituent, it probably would be a good case made that in fact, he probably was more or less an employee of the person for whom he was doing that falling or whatever work he was doing in the forestry industry and was really not a subcontractor in the sense as set out in this bill.

"I think that this has to be something you have to judge on a case-by-case basis, but I do think the language of the bill speaks to that problem and would clarify it should that arise again in the future."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 250, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Vognild, von Reichbauer, Wilson, Woody, Zimmerman—38.

Voting nay: Senators Charnley, Fleming, Hughes, McDermott, Ridder, Shinpoch, Talley, Talmadge, Williams, Wojahn—10.

Absent or not voting: Senator Lysen—1.

SUBSTITUTE HOUSE BILL NO. 250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 314, by House Committee on Ethics, Law and Justice (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Eberle, Ellis, Barnes, Patrick, Warnke and Garrett):

Revising laws on disposition of exhibits in court.

REPORT OF STANDING COMMITTEE

April 14, 1981.

HOUSE BILL NO. 314, revising laws on disposition of exhibits in court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 23, insert additional sections as follows:

NEW SECTION. Sec. 4. Unless otherwise provided between the parties, if personal property deposited with a bailee is unclaimed for a period of thirty days, the bailee shall notify the owner, if known, either personally or by mail that the property is subject to disposition under section 5 of this act.

NEW SECTION. Sec. 5. If property remains unclaimed sixty days after notice is given, or, if the owner's identity or address is unknown, sixty days from when notice was attempted, the bailee shall:

(1) If the reasonable aggregate value of the unclaimed property is less than one hundred dollars, donate the property, or proceeds thereof, to a charitable organization exempt from federal income tax under the federal internal revenue code; or

(2) If the reasonable aggregate value of the unclaimed property is one hundred dollars or more, forward the property to the chief of police or sheriff for disposition as unclaimed property under chapter 63.32 or 63.40 RCW.

NEW SECTION. Sec. 6. A bailee is not liable to the owner for unclaimed property disposed of in good faith in accordance with the requirements of this chapter.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are added to chapter 63.24 RCW.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 3252, Code of 1881 and RCW 63.24.010;
- (2) Section 3253, Code of 1881 and RCW 63.24.020;
- (3) Section 3254, Code of 1881 and RCW 63.24.030;
- (4) Section 3255, Code of 1881 and RCW 63.24.040;
- (5) Section 3256, Code of 1881 and RCW 63.24.050;
- (6) Section 3257, Code of 1881 and RCW 63.24.060;
- (7) Section 3258, Code of 1881 and RCW 63.24.070;
- (8) Section 3259, Code of 1881 and RCW 63.24.080;
- (9) Section 3260, Code of 1881 and RCW 63.24.090;
- (10) Section 3261, Code of 1881 and RCW 63.24.100;
- (11) Section 3262, Code of 1881 and RCW 63.24.110;
- (12) Section 3263, Code of 1881 and RCW 63.24.120;
- (13) Section 3264, Code of 1881 and RCW 63.24.130; and
- (14) Section 3265, Code of 1881 and RCW 63.24.140."

In line 6 of the title, after "63.32.010;" strike "and"

In line 8 of the title, after "63.40.010" and before the period, insert "; adding new sections to chapter 63.24 RCW; repealing section 3252, Code of 1881 and RCW 63.24.010; repealing section 3253, Code of 1881 and RCW 63.24.020; repealing section 3254, Code of 1881 and RCW 63.24.030; repealing section 3255, Code of 1881 and RCW 63.24.040; repealing section 3256, Code of 1881 and RCW 63.24.050; repealing section 3257, Code of 1881 and RCW 63.24.060; repealing section 3258, Code of 1881 and RCW 63.24.070; repealing section 3259, Code of 1881 and RCW 63.24.080; repealing section 3260, Code of 1881 and RCW 63.24.090; repealing section 3261, Code of 1881 and RCW 63.24.100; repealing section 3262, Code of 1881 and RCW 63.24.110; repealing section 3263, Code of 1881 and RCW 63.24.120; repealing section 3264, Code of 1881 and RCW 63.24.130; and repealing section 3265, Code of 1881 and RCW 63.24.140"

Signed by: Senator Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Woody.

The bill was read the second time by sections.

On motion of Senator Hemstad, the committee amendment was adopted.

On motion of Senator Hemstad, the committee amendments to the title were adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 314, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Charnley: "Senator Hemstad, I always get a little nervous when I pick up a little brief housekeeping amendment and discover thirteen sections of law repealed.

"In this case I notice that all 1881 laws, so we are really going back, so could you just, in a few words, tell me what is it we are repealing here?"

Senator Hemstad: "Well, the repealers are found in the amendment. The problem there, the original laws, as you notice, go back into the 19th century, dealing with the mechanisms for disposition of property that has been left with a bailee. As I said, for all practical purposes that that law, archaic, is effectively useless; and the problem of proprietors, a typical example is a laundry or persons like that holding property for individuals, have no way to dispose, legally dispose of it in a practical way.

"The amendment resolves that problem, describes how they now will be able to dispose of the property if, after proper notice, the owner does not respond."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 314, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Lysen—1.

SUBSTITUTE HOUSE BILL NO. 314, 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.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, by House Committee on Higher Education (originally sponsored by Representatives Nelson (G.), Martinis, Mitchell, Sprague, Bender, Wilson and Houchen):

Authorizing new community college district which will encompass Edmonds community college.

The bill was read the second time by sections.

On motion of Senator Woody, the following amendment by Senators Woody, Scott, Vognild and Gould was adopted:

On page 6, after line 14, insert the following new section:

"NEW SECTION. Sec. 8. Any school district within Snohomish county may enter into interlocal cooperation agreements with any community college located within Snohomish county pursuant to the provisions of chapter 39.34 RCW."

Re-number remaining sections accordingly.

On motion of Senator Benitz, the rules were suspended, Engrossed Substitute House Bill No. 335, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 335, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Guess, Newhouse, Scott—3.

Absent or not voting: Senator Lysen—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 320, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson, Sanders, Sprague, Ellis, Clayton, Eberle, Patrick, Johnson, Lane, Bickham, Bond, Nickell, Tilly and Hastings):

Modifying provisions concerning plats and subdivisions.

REPORT OF STANDING COMMITTEE

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 320, modifying provisions concerning plats and subdivisions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 19, after "city" strike ", town, or county" and insert "or town"

On page 6, line 5, strike all of subsection "(7)" and renumber the remaining subsection accordingly.

On page 9, line 24, after "one" strike "two" and insert "one"

On page 10, line 6, after "issuing" strike "an" and insert "a recommendation for subsequent"

On page 11, line 19, after "of" strike "the filing of the completed application for"

On page 11, line 27, after "record" strike all material down through "county" on line 29

On page 11, line 30, after "laws" strike "~~((for a period of five years from the date of filing))~~" and insert "for a period of five years from the date of filing"

On page 12, line 5, after "any" insert "final"

On page 12, line 17, after "who" insert "deems himself aggrieved thereby and who"

On page 12, line 18, after "subdivision" strike all of the material down through "owners" on line 20

On page 13, after line 22, insert a new section as follows:

"**NEW SECTION.** Sec. 15. The Senate and House Local Government Committees shall jointly study the laws relating to plats and subdivisions and shall report to the Washington State Legislature their findings and recommendations for changes in legislation by January 1, 1982.

Renumber the remaining section accordingly.

Signed by: Senators Zimmerman, Chairman; Bauer, Charnley, Fuller, Gould, Lee, Talley.

The bill was read the second time by sections.

Senator Zimmerman moved adoption of the committee amendment to page 3, line 19.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, it was not quite clear to me, you indicated this is good for the cities, yet it is not good for the counties?"

Senator Zimmerman: "This is a particularly expansive amendment in the original form it came from the House. In the discussion of cities and counties, . . . would be particularly useful for cities, particularly cities of large size where they have a good deal of land which needs have some encouragement for in-city development; and that the short plat offers that opportunity.

"However when you are outside the city limits and you are in the county, it becomes an abused means of subdividing in terms of short plat. It has been heavily abused in the past dozen years.

"Therefore we thought that it was not logical to give the counties the additional size as far as number of short plats."

The motion by Senator Zimmerman carried and the amendment was adopted.

On motion of Senator Zimmerman, the remaining committee amendments were adopted.

Senator Williams moved adoption of the following amendment by Senators Williams, Gould and Bottiger:

On page 13, line 22, following "exist." insert a new section to read as follows:

"NEW SECTION. Sec. 15. Notwithstanding any other provision, counties may adopt the thermal efficiency and lighting code as promulgated by the Washington State Building Code Advisory Council. The amendatory provisions of this 1981 act shall not apply to any county which has not adopted such code."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Bluechel: "Mr. President, I was going to raise the question of scope and object on the amendment, because it deals with the building codes for the The basic bill itself deals with subdivision platting."

MOTION

On motion of Senator Clarke, Substitute House Bill No. 320, as amended, together with the pending amendment by Senators Williams, Gould and Bottiger and the Point of Order raised by Senator Bluechel, was ordered held for further consideration and a Ruling by the President.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 266, by House Committee on State Government (originally sponsored by Representatives Lane, Johnson, Dawson, Patrick, Fiske, Sommers, Chamberlain, Dickie, Mitchell, Padden, McGinnis, Nickell, Vander Stoep, Warnke, Bickham, Van Dyken, Leonard, Taylor, Nelson (G.), Erickson, Williams, Smith, Ellis, Lundquist, Barrett, Monohon, Winsley, Tupper, Hankins, Kreidler, Garson, Bond, Teutsch, Cantu, Galloway, Lewis, Heck, Lux, Granlund and Nelson (D.) (by Governor Spellman request):

Creating the state council on aging.

REPORT OF STANDING COMMITTEE

April 6, 1981.

SUBSTITUTE HOUSE BILL NO. 266, creating the state council on aging (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, after line 14, insert the following:

"NEW SECTION. Sec. 5. There is added to chapter 43.20A RCW a new section to read as follows:

When federal funds provided under the Older Americans Act, P.L. 89-73, or its successor, become unavailable to the state, state funds shall not be used to fund the state council on aging created under section 1 of this act."

Renumber the remaining sections consecutively.

Signed by: Senators Deccio, Chairman; Craswell, McCaslin, Metcalf, Moore, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator Deccio, the committee amendment was adopted.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 266, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 266, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Lysen, Scott—2.

SUBSTITUTE HOUSE BILL NO. 266, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 701, by Representatives Dawson and Williams:

Modifying provisions relating to accounts offered by financial institutions.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 701 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 701, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—47.

Absent or not voting: Senators Lysen, Williams—2.

ENGROSSED HOUSE BILL NO. 701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 323, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representative Isaacson):

Revising laws relating to the division of industrially zoned property.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 323 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 323, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senators Bottiger, Hughes, Pullen—3.

Absent or not voting: Senators Gaspard, Lysen—2.

SUBSTITUTE HOUSE BILL NO. 323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 372, by House Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Wilson:

Modifying the state environmental policy act.

The bill was read the second time by sections.

On motion of Senator Gallagher, the rules were suspended, Engrossed House Bill No. 372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Wojahn, Senator Gaspard was excused.
Debate ensued.

MOTIONS

On motion of Senator Clarke, Engrossed House Bill No. 372 was ordered held on third reading for consideration at a later time.

On motion of Senator Clarke, Engrossed House Bill No. 371 was ordered held on second reading for consideration at a later time.

SECOND READING

HOUSE BILL NO. 692, by House Committee on Local Government and Representative Isaacson:

Implementing the law relating to filling of vacancies on water and sewer district commissions.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, House Bill No. 692 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Zimmerman, is there anything in this bill that requires outside corporate directors to be appointed, or anything like that?"

Senator Zimmerman: "Fortunately not."

POINT OF INQUIRY

Senator Ridder: "Senator Zimmerman, from your description, I would say this is truly a housekeeping measure."

Senator Zimmerman: "You are right."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 692, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Absent or not voting: Senators Fleming, Lysen, Williams—3.

Excused: Senator Gaspard—1.

HOUSE BILL NO. 692, 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.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3514,

SUBSTITUTE SENATE BILL NO. 3857,

SENATE BILL NO. 3872,

SENATE CONCURRENT RESOLUTION NO. 113.

MOTION

At 11:00 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Wednesday, April 22, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 22, 1981.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Gaspard, Lee, Pullen, Rasmussen, Shinpoch, Wojahn and Woody. On motion of Senator Ridder, Senators Rasmussen and Wojahn were excused.

The Color Guard, consisting of Pages Lisa Rose and Roxane Sklar, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 21, 1981.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 590, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 21, 1981.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3049,
SENATE BILL NO. 3051,
SENATE BILL NO. 3053,
SENATE BILL NO. 3057,
SENATE BILL NO. 3067,
SENATE BILL NO. 3079,
SENATE BILL NO. 3102,
SUBSTITUTE SENATE BILL NO. 3118,
SUBSTITUTE SENATE BILL NO. 3128,
SUBSTITUTE SENATE BILL NO. 3187,
SENATE BILL NO. 3196,
SENATE BILL NO. 3238,
SENATE BILL NO. 3239,
SENATE BILL NO. 3250, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 387, by Committee on Revenue (originally sponsored by Committee on Labor and Economic Development and Representatives Sanders, Patrick, Eberle, Brown, Barrett, Hankins, Barr, Clayton Garrett, Mitchell, Padden, Fiske, Prince, Wilson, Van Dyken, Rosbach, Ellis, Taylor, Teutsch, Bond, Smith, Flanagan, Monohon, Scott, King (J), Leonard, James, Isaacson, Lundquist, Johnson, Sprague, McGinnis, Bickham, Lewis, Garson, Chamberlain, Nickell,

Dickie, Lane, Berleen, Nelson (G), Tupper, Tilly, Cantu, Winsley, Wang and Vander Stoep:

Modifying business and occupation tax provisions.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 484, by Committee on Revenue (originally sponsored by Committee on Revenue and Representative Greengo):

Providing for the funding of emergency services communications systems.

MOTIONS

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute House Bill No. 484 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, Engrossed Substitute House Bill No. 484 was held on the second reading calendar for today.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 590, by Committee on Ethics, Law and Justice and Representative Ellis:

Modifying provisions relating to court funds.

MOTIONS

On motion of Senator Clarke, the rules were suspended, Engrossed House Bill No. 590 was advanced to second reading and read the second time in full.

On motion of Senator Clarke, Engrossed House Bill No. 590 was held on the second reading calendar for today.

SUBSTITUTE HOUSE BILL NO. 598, by Committee on Appropriations—General Government and Compensation (originally sponsored by Committee on Ethics, Law and Justice and Representative Nelson (G)):

Providing funding for the Washington association of sheriffs and police chiefs.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 739, by Committee on Ways and Means (originally sponsored by Representatives Chandler, O'Brien, Tilly, Maxie, Fancher, Warnke, Nelson (G.) and Greengo):

Providing a study for a state convention and trade center.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 752, by Committee on Revenue and Representative Greengo:

Modifying provision on the taxation of motor carriers of freight for hire.

Referred to Committee on Ways and Means.

HOUSE CONCURRENT RESOLUTION NO. 24, by Representatives Valle, McCormick, Martinis, Maxie, Nelson (D.) and Hankins:

Requesting the federal government to establish the National Academy of Peace and Conflict Resolution.

Referred to Committee on Rules.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 320, by House Committee on Local Government (originally sponsored by House Committee on Local Government and Representatives Isaacson, Sanders, Sprague, Ellis, Clayton, Eberle, Patrick, Johnson, Lane, Bickham, Bond, Nickell, Tilly and Hastings):

Modifying provisions concerning plats and subdivisions.

The Senate resumed consideration of Substitute House Bill No. 320. On April 21, 1981, the committee amendments were adopted at that time.

Senator Williams had moved adoption of the following amendment by Senators Williams, Gould and Bottiger:

On page 13, line 22, following "exist." insert a new section to read as follows:

"NEW SECTION. Sec. 15. Notwithstanding any other provision, counties may adopt the thermal efficiency and lighting code as promulgated by the Washington State Building Code Advisory Council. The amendatory provisions of this 1981 act shall not apply to any county which has not adopted such code."

Renumber the remaining sections consecutively.

Senator Bluechel had raised a Point of Order on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bluechel, the President finds that Substitute House Bill No. 320 is a measure which deals with land use, subdivisions and plats.

"The amendment proposed by Senators Williams, Gould and Bottiger deals with building codes in general and more specifically the thermal efficiency and lighting code.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senators Williams, Gould and Bottiger was ruled out of order.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 320, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 320, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Zimmerman—41.

Absent or not voting: Senators Bottiger, Gaspard, Hughes, Pullen, Shipoch, Woody—6.

Excused: Senators Rasmussen, Wojahn—2.

SUBSTITUTE HOUSE BILL NO. 320, 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.

SECOND READING

HOUSE BILL NO. 105, by House Committee on Labor and Economic Development and Representatives Sanders, Patrick, Barrett, Hankins, Garrett, Scott and Monohon:

Permitting the port commission to waive the rent security requirement.

The bill was read the second time by sections.

On motion of Senator Zimmerman, the rules were suspended, House Bill No. 105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 105, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 6; excused, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Zimmerman—40.

Voting nay: Senator Lysen—1.

Absent or not voting: Senators Bottiger, Gaspard, Hughes, Pullen, Shinpoch, Woody—6.

Excused: Senators Rasmussen, Wojahn—2.

HOUSE BILL NO. 105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 601, by House Committee on Ethics, Law and Justice (originally sponsored by Committee on Ethics, Law and Justice and Representative Ellis):

Enacting the court congestion reduction act.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 601, enacting the court congestion reduction act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended with the following amendment:

On page 1, after line 21, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981.

NEW SECTION. Sec. 2. The legislature hereby requests that the judicial council undertake a study of the problems of court congestion and delay in the trial and appellate courts and make recommendations for changes in court rules and statutes. The judicial council shall consult with all levels of the state judiciary, the state legislature, the legislative authorities of the counties, prosecutors and municipal

attorneys, the state bar, and the public. The judicial council is authorized to create a task force and reimburse the task force members for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. The judicial council shall make its report and recommendations to the legislature, the supreme court, and the governor by January 1, 1982.

NEW SECTION. Sec. 1. By January 1, 1983, the presiding judge of the superior court in each county, in consultation with the county legislative authority, shall submit to the supreme court a report outlining the county's plan to reduce court congestion in the superior court. In developing the plan, the county shall give full consideration to the recommendations of the judicial council.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction and improvement of county court facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required, to finance these activities and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bond authorized by sections 4 through 10 of this act shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by sections 4 through 10 of this act shall be deposited in the court construction account hereby created in the general fund and shall be used exclusively for the purpose specified in sections 4 through 10 of this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the court construction account of the general fund under the terms of sections 4 through 10 of this act shall be administered by the state administrator for the courts subject to legislative appropriation.

NEW SECTION. Sec. 5. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in sections 4 through 10 of this act shall be sold for less than their par value.

NEW SECTION. Sec. 6. When the state finance committee has decided to issue the bonds, or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on any of these anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 7. There is established within the state general obligation bond retirement fund a court construction bond retirement account. This account shall be used for the payment of interest on and retirement of the bonds and notes authorized by sections 4 through 10 of this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the court construction bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date. The

owner and holder of each of the bonds or the trustee of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 8. The bonds authorized by sections 4 through 10 of this act shall be legal investment for all state funds or for funds under state control and for funds of any other public body.

Sec. 9. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of ~~((twenty-five))~~ one hundred dollars.

For copies of opinions, ~~((ten))~~ twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law two dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 10. Section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080 are each amended to read as follows:

When allowed to either party, costs to be called the attorney fee, shall be as follows:

(1) ~~((In all actions settled before issue is joined, thirty-five dollars.~~

~~{2}))~~ (2) In all actions where judgment is rendered ~~((without a jury, thirty-five)),~~ one hundred dollars.

~~((3) In all actions where judgment is rendered after impanelling a jury, thirty-five dollars.~~

~~(4) In all actions removed to the supreme court and settled before argument, thirty-five dollars.~~

~~{5}))~~ (2) In all actions where judgment is rendered in the supreme court or the court of appeals, after argument, ~~((thirty-five))~~ one hundred dollars.

Sec. 11. Section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260 are each amended to read as follows:

A party who substantially prevails in an opinion of the supreme court or court of appeals shall, when the opinion becomes final, be allowed costs for expenses incurred by him, irrespective of costs taxed in the case in the court below, as follows: The fee of the clerk of the appellate court; the fee of the clerk of the superior court for preparing, certifying and transmitting to the appellate court the transcript on appeal, or any supplementary transcript, and the statement of facts, including all exhibits; attorney fees ~~((in the amount of twenty-five dollars));~~ the actual amount incurred in the printing of briefs required by the appellate rules, the actual amount incurred by the appellant, as stenographer's fees for preparing the statement of facts and one copy; and the actual cost of the premium on an appeal and/or supersedeas bond. When the judgment of the superior court is affirmed and remanded for trial, the awarding of costs shall abide the final determination of the cause. When the judgment is affirmed in part, reversed in part, modified or remanded for further

proceedings, all or partial costs may be awarded to either party or it may be provided that costs shall abide the final result of the further proceedings. When an opinion is filed by the supreme court finally determining a cause reviewed by the court of appeals, the supreme court shall allow costs for the above items incurred in both the supreme court and court of appeals. When an order is entered in a case, the court shall have discretion to allow costs for any or all of the items set forth above. When in the opinion of the court a brief, statement of facts, or transcript is improper in substance or unnecessarily long with regard to the issues raised on the appeal, the court, may in its discretion order the disallowance as costs of any part or the whole of the cost thereof.

NEW SECTION, Sec. 12. There is added to chapter 2.04 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules for settlement conferences in civil cases in such superior courts and the court of appeals which are amenable to the settlement conference process.

Sec. 13. Section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than three thousand dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than three thousand dollars;

(c) Of an action for a penalty less than three thousand dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than three thousand dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than three thousand dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than three thousand dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than three thousand dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall ~~((take effect on May 1, 1979, and shall))~~ remain in effect until June 30, 1981; effective July 1, 1981, ~~((and thereafter,))~~ such amounts shall be increased to five thousand dollars. Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;

(c) Of an action for a penalty less than five hundred dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 14. Section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66.020 are each amended to read as follows:

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed three thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed three thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed three thousand dollars;

(3) Of an action for a penalty not exceeding three thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed three thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed three thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed three thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed three thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed three thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall ((take effect on May 1, 1979, and shall)) remain in effect until

June 30, 1981; effective July 1, 1981, ~~((and thereafter,))~~ such amount shall be increased to five thousand dollars. Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.

The amounts of money referred to in this section shall be exclusive of interest, costs and attorney's fees.

NEW SECTION. Sec. 15. There is added to chapter 3.02 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules providing for discovery in civil cases in the courts of limited jurisdiction.

Sec. 16. Section 22, chapter 299, Laws of 1961 and RCW 3.34.130 are each amended to read as follows:

Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district ~~((PROVIDED, That if no qualified person is available, then the court shall appoint a registered voter of the county in which the justice court district or portion thereof is located))~~, except that the person appointed need only be a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary.

Sec. 17. Section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ~~((five hundred))~~ one thousand dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ~~((two))~~ five hundred dollars.

Sec. 18. Section 6, chapter 187, Laws of 1919 and RCW 12.40.060 are each amended to read as follows:

~~((Said))~~ Notice of claim ~~((shall be))~~ directed to the defendant ~~((naming him, and))~~ shall contain a statement in brief and concise form notifying such defendant of the name, address, amount and natures of the alleged claim of plaintiff, and directing and requiring defendant to appear personally in the justice court ~~((before the justice of the peace of said justice's court))~~ at a time certain, which shall not be less than five ~~((nor more than ten))~~ days from the date of service of such notice; said notice shall further provide that in case of failure to so appear, judgment will be given against defendant for the amount of such claim.

Sec. 19. Section 1, chapter 102, Laws of 1953 and RCW 4.28.100 are each amended to read as follows:

When the defendant cannot be found within the state ~~((of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence))~~, and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he

believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

(1) When the defendant is a foreign corporation, and has property within the state;

(2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;

(3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;

(4) When the action is for divorce in the cases prescribed by law;

(5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;

(6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;

(7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;

(8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state.

Sec. 20. Section 4, chapter 82, Laws of 1941 and RCW 5.24.040 are each amended to read as follows:

This chapter shall not be construed to relieve any party of the duty of hereafter pleading such laws where required under the law and practice of this state (~~immediately prior to the enactment hereof~~).

Sec. 21. Section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060 are each amended to read as follows:

The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, judges of the courts of limited jurisdiction, and ~~((of))~~ invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for ~~((transportation))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended ~~((and shall receive forty dollars per day for subsistence and lodging))~~, to be paid from state appropriations made for the purposes of this chapter.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070; amending section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060; amending section 23, page 226, Laws of 1854 as

last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020; amending section 22, chapter 299, Laws of 1961 and RCW 3.34.130; amending section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66.020; amending section 1, chapter 102, Laws of 1953 and RCW 4.28.100; amending section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260; amending section 4, chapter 82, Laws of 1941 and RCW 5.24.040; amending section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010; amending section 6, chapter 187, Laws of 1919 and RCW 12.40.060; adding a new section to chapter 2.04 RCW; adding a new section to chapter 3.02 RCW; and creating new sections."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Talmadge, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

On motion of Senator Talmadge, the following amendment to the committee amendment was adopted:

On page 17, after line 19, insert the following section and renumber the remaining sections consecutively:

"Sec. 21. Section 8, chapter 187, Laws of 1919 and RCW 12.40.080 are each amended to read as follows:

No attorney at law, legal paraprofessional or similarly trained person, nor any person other than the plaintiff and defendant, shall concern himself or in any manner interfere with the prosecution or defense of such litigation in said department without the consent of the justice of said justice's court (~~(, nor shall it be)~~). If a corporation plaintiff is represented by an attorney at law, legal paraprofessional or similarly trained person, the justice shall at the request of the defendant transfer the case to the regular civil docket. In the small claims department it shall not be necessary to summon witnesses, but the plaintiff and defendant in any claim shall have the privilege of offering evidence in their behalf by witnesses appearing at such hearing, and the justice may informally consult witnesses or otherwise investigate the controversy between the parties, and give judgment or make such orders as may by him be deemed to be right, just and equitable for the disposition of the controversy."

On motion of Senator Bottiger, the following amendment by Senator Shinpoeh to the committee amendment was adopted:

On page 12, after line 32 insert:

"Sec. 6. Section 110, chapter 299, Laws of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of (~~(twelve)~~) twenty dollars to be used for the operation of the courts. Fees for the support of county law libraries provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action."

Renumber the remaining sections accordingly.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Talmadge, the following amendment to the committee amendment to the title was adopted:

On page 21, line 29, after "12.40.060;" insert "amending section 8, chapter 187, Laws of 1919 and RCW 12.40.080;"

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 601, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senators Gaspard, Hughes and Shinpoch were excused.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, I am looking at the amendment that we just adopted, an amendment to the amendment, which increased the filing fee from \$12 to \$20. Now what I would like to know, do you consider this to be a tax increase or users fee?"

Senator Talmadge: "Senator, I think it is pretty explicitly a users fee because the problem that is being experienced is the people who are using the judicial computer, the JIS system, are finding that they need the money for the use of that computer system, and additionally, there are some people out there, who, in the court system, are trying to make the courts of limited jurisdiction courts of record.

"So the counties are telling us they need this in order to have a better administration of justice, and all the people in the judicial system are definitely using this kind of thing.

"I think it would be helpful."

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, I see no language in here which applies this increase to the JIS, the informational system, which I understand would greatly help the county costs and I am concerned that we are going to give the counties more money, save them money and be paying for the . . . information system from state funds. Can you assure me that this \$8.00 will be used to fund the judicial information system?"

Senator Talmadge: "Senator Newhouse, my understanding is House Bill 590 came over from the House with this identical increase from \$12.00 to \$20.00, and my assumption is that it will be used not only for JIS but for making the courts of limited jurisdictions courts of record, as I know you worked so hard for in the House."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 601, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 2; excused, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Vognild, Williams, Woody, Zimmerman—40.

Voting nay: Senators Newhouse, Scott, von Reichbauer, Wilson—4.

Absent or not voting: Senators Bottiger, Pullen—2.

Excused: Senators Rasmussen, Shinpoch, Wojahn—3.

SUBSTITUTE HOUSE BILL NO. 601, 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 Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 3554, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. **FINDING AND DECLARATION OF NECESSITY.** The legislature hereby finds and declares that this state urgently needs to do the following: Promote higher employment; encourage the development of new jobs; maintain and supplement the capital investments in industry that currently exist in this state; encourage future employment by ensuring future capital investment; attract environmentally sound industry to the state; protect and enhance the quality of natural resources and the environment; and promote the production and conservation of energy.

NEW SECTION. Sec. 2. **DEFINITIONS.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Board of directors" means the board of directors of a public corporation.
- (2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.
- (3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.
- (4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.
- (5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.
- (6) "Industrial development facilities" means manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, and energy facilities.
- (7) "Municipality" means a city, town, county, or port district of this state.
- (8) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.
- (9) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the

refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(10) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

(11) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION. Sec. 3. PUBLIC CORPORATIONS—CREATION, DISSOLUTION. (1) For the purpose of facilitating economic development and employment opportunities in the state of Washington through the financing of the project costs of industrial development facilities, a municipality may enact an ordinance creating a public corporation for the purposes authorized in this chapter. The ordinance creating the public corporation shall approve a charter for the public corporation containing such provisions as are authorized by and not in conflict with this chapter. Any charter issued under this chapter shall contain in substance the limitations set forth in section 6 of this act. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the public corporation, the public corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the ordinance creating the public corporation by the governing body. A copy of the ordinance duly certified by the clerk of the governing body of the municipality shall be admissible in evidence in any suit, action, or proceeding.

(2) A public corporation created by a municipality pursuant to this chapter may be dissolved by the municipality if the public corporation: (a) Has no property to administer, other than funds or property, if any, to be paid or transferred to the municipality by which it was established; and (b) all its outstanding obligations have been satisfied. Such a dissolution shall be accomplished by the governing body of the municipality adopting an ordinance providing for the dissolution.

(3) The creating municipality may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of a public corporation, including termination of the public corporation if contracts entered into by the public corporation are not impaired. Any net earnings of a public corporation, beyond those necessary for retirement of indebtedness incurred by it, shall not inure to the benefit of any person other than the creating municipality. Upon dissolution of a public corporation, title to all property owned by the public corporation shall vest in the municipality.

NEW SECTION. Sec. 4. BOARD OF DIRECTORS OF PUBLIC CORPORATION. The ordinance creating a public corporation shall include provisions establishing a board of directors to govern the affairs of the public corporation, what constitutes a quorum of the board of directors, and how the public corporation shall conduct its affairs.

NEW SECTION. Sec. 5. PUBLIC CORPORATIONS—DIRECTORS. It shall be illegal for a director, officer, agent, or employee of a public corporation to have, directly or indirectly, any financial interest in any property to be included in or any contract for property, services, or materials to be furnished or used in connection with any industrial development facility financed through the public corporation. Violation of any provision of this section is a gross misdemeanor.

NEW SECTION. Sec. 6. PUBLIC CORPORATIONS—LIMITATIONS. No municipality may give or lend any money or property in aid of a public corporation. The municipality that creates a public corporation shall annually review any financial statements of the public corporation and at all times shall have access to the books and records of the public corporation. No public corporation may issue

revenue obligations under this chapter except upon the approval of both the municipality under the auspices of which it was created and the county, city, or town within whose planning jurisdiction the proposed industrial development facility lies. No revenue bonds may be issued pursuant to this chapter unless the board of directors of the public corporation proposing to issue revenue bonds makes a finding that in its opinion the interest paid on the bonds will be exempt from income taxation by the federal government. Revenue bonds issued by a public corporation under this chapter shall not be considered to constitute a debt of the state, of the municipality, or of any other municipal corporation, quasi municipal corporation, subdivision, or agency of this state or to pledge any or all of the faith and credit of any of these entities. The revenue bonds shall be payable solely from both the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any financing document or by reason of any additional security furnished by the user of the industrial development facility in connection with the financing thereof, and money and other property received from private sources. Each revenue bond shall contain on its face statements to the effect that: (1) Neither the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency of the state is obligated to pay the principal or the interest thereon; (2) no tax funds or governmental revenue may be used to pay the principal or interest thereon; and (3) neither any or all of the faith and credit nor the taxing power of the state, the municipality, or any other municipal corporation, quasi municipal corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on the revenue bond. A public corporation may incur only those financial obligations which will be paid from revenues received pursuant to financing documents, from fees or charges paid by users or prospective users of the industrial development facilities funded by the revenue bonds, or from the proceeds of revenue bonds. A public corporation established under the terms of this chapter constitutes an authority and an instrumentality (within the meaning of those terms in the regulations of the United States treasury and the rulings of the Internal Revenue Service prescribed pursuant to section 103 of the Internal Revenue Code of 1954, as amended) and may act on behalf of the municipality under whose auspices it is created for the specific public purposes authorized by this chapter. The public corporation is not a municipal corporation within the meaning of the state Constitution and the laws of the state, or a political subdivision within the meaning of the state Constitution and the laws of the state, including without limitation, Article VIII, section 7, of the Washington state Constitution. A municipality shall not delegate to a public corporation any of the municipality's attributes of sovereignty, including, without limitation, the power to tax, the power of eminent domain, and the police power.

NEW SECTION. Sec. 7. PUBLIC CORPORATIONS—AUDIT BY STATE. The finances of any public corporation are subject to examination by the state auditor's office pursuant to RCW 43.09.260.

NEW SECTION. Sec. 8. PUBLIC CORPORATIONS—POWERS. (1) A public corporation created under this chapter has the following powers with respect to industrial development facilities together with all powers incidental thereto or necessary for the performance thereof:

- (a) To construct and maintain one or more industrial development facilities;
- (b) To lease to a lessee all or any part of any industrial development facility for such rentals and upon such terms and conditions, including options to purchase, as its board of directors considers advisable and not in conflict with this chapter;
- (c) To sell by installment contract or otherwise and convey all or any part of any industrial development facility for such purchase price and upon such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(d) To make secured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any industrial development facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(e) To issue revenue bonds for the purpose of financing all or part of the project cost of any industrial development facility and to secure the payment of the revenue bonds as provided in this chapter;

(f) As security for the payment of the principal of and interest on any revenue bonds issued and any agreements made in connection therewith, to mortgage, pledge, or otherwise encumber any or all of its industrial development facilities or any part or parts thereof, whether then owned or thereafter acquired, and to assign any mortgage and repledge any security conveyed to the public corporation, to secure any loan made by the public corporation and to pledge the revenues and receipts therefrom;

(g) To sue and be sued, complain, and defend in its corporate name;

(h) To make contracts and to execute all instruments necessary or convenient for the carrying out of its business;

(i) To have a corporate seal and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

(j) Subject to the limitations of section 6 of this act, to borrow money, accept grants from, or contract with any local, state, or federal governmental agency or with any financial, public, or private corporation;

(k) To make and alter bylaws not inconsistent with its charter for the administration and regulation of the affairs of the corporation;

(l) To collect fees or charges from users or prospective users of industrial development facilities to recover actual or anticipated administrative costs;

(m) To execute financing documents incidental to the powers enumerated in this subsection.

(2) No public corporation created under this chapter may operate any industrial development facility as a business other than as lessor, seller, or lender. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting for any servicing thereof is not considered the operation of an industrial development facility.

(3) No public corporation may exercise any of the powers authorized in this section or issue any revenue bonds with respect to any industrial development facility unless the industrial development facility is located wholly within the boundaries of the municipality under whose auspices the public corporation is created or unless the industrial development facility comprises energy facilities or solid waste disposal facilities which provide energy for or dispose of solid waste from the municipality or the residents thereof.

NEW SECTION. Sec. 9. REPORTING TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. (1) Prior to issuance of any revenue bonds, each public corporation shall submit a copy of its enabling ordinance and charter, a description of any industrial development facility proposed to be undertaken, and the basis for its qualification as an industrial development facility to the department of commerce and economic development.

(2) If the industrial development facility is not eligible under this chapter, the department of commerce and economic development shall give notice to the public corporation, in writing and by certified mail, within twelve working days of receipt of the description.

(3) The department of commerce and economic development shall report annually to the legislature and the governor on the amount of capital investment undertaken under this chapter and the amount of permanent employment reasonably related to the existence of such industrial development facilities.

(4) The department of commerce and economic development shall provide such advice and assistance to public corporations and municipalities which have created or may wish to create public corporations as the public corporations or municipalities request and the department of commerce and economic development considers appropriate.

NEW SECTION. Sec. 10. REVENUE BONDS—PROVISIONS. (1) The principal of and the interest on any revenue bonds issued by a public corporation shall be payable solely from the funds provided for this payment from the revenues of the industrial development facilities funded by the revenue bonds. Each issue of revenue bonds shall be dated, shall bear interest at such rate or rates, and shall mature at such time or times as may be determined by the board of directors, and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the board of directors prior to the issuance of the revenue bonds or other revenue obligations.

(2) The board of directors shall determine the form and the manner of execution of the revenue bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the revenue bonds and the place or places of payment of principal and interest. If any officer whose signature or a facsimile of whose signature appears on any revenue bonds or coupons ceases to be an officer before the delivery of the revenue bonds, the signature shall for all purposes have the same effect as if he had remained in office until delivery. The revenue bonds may be issued in coupon or in registered form or both as the board of directors may determine, and provisions may be made for the registration of any coupon revenue bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. A public corporation may sell revenue bonds at public or private sale for such price and bearing interest at such fixed or variable rate as may be determined by the board of directors.

(3) The proceeds of the revenue bonds of each issue shall be used solely for the payment of all or part of the project cost of or for the making of a loan in the amount of all or part of the project cost of the industrial development facility for which authorized and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any industrial development facility exceeds the cost of the industrial development facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase revenue bonds in the open market.

(4) A public corporation may issue interim notes in the manner provided for the issuance of revenue bonds to fund industrial development facilities prior to issuing other revenue bonds to fund such facilities. A public corporation may issue revenue bonds to fund industrial development facilities that are exchangeable for other revenue bonds when these other revenue bonds are executed and available for delivery.

(5) The principal of and interest on any revenue bonds issued by a public corporation shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts received by the public corporation from the industrial development facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use

of the industrial development facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the board of directors consider advisable which are not in conflict with this chapter.

(6) The governing body of the municipality under whose auspices the public corporation is created shall approve by resolution any agreement to issue revenue bonds adopted by a public corporation, which agreement and resolution shall set out the amount and purpose of the revenue bonds. Additionally, no issue of revenue bonds, including refunding bonds, may be sold and delivered by a public corporation without a resolution of the governing body of the municipality under whose auspices the public corporation is created, adopted no more than sixty days before the date of sale of the revenue bonds specifically, approving the resolution of the public corporation providing for the issuance of the revenue bonds.

(7) All revenue bonds issued under this chapter and all interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the Uniform Commercial Code, Title 62A RCW, regardless of form or character.

NEW SECTION. Sec. 11. REVENUE BONDS—REFUNDING. Each public corporation may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any revenue bonds issued for an industrial development facility under this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the public corporation, for the additional purpose of financing improvements, extensions, or enlargements to the industrial development facility for another industrial development facility. The issuance of the revenue bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the public corporation in respect to the same shall be governed by this chapter insofar as applicable.

NEW SECTION. Sec. 12. TRUST AGREEMENTS. Any bonds issued under this chapter may be secured by a trust agreement between the public corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to an industrial development facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the industrial development facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the corporation. A trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the public corporation considers reasonable and proper for the security of the bondholders which are not in conflict with this chapter.

NEW SECTION. Sec. 13. COMMINGLING OF BOND PROCEEDS OR REVENUES WITH MUNICIPAL FUNDS PROHIBITED. No part of the proceeds received from the sale of any revenue bonds under this chapter, of any revenues derived from any industrial development facility acquired or held under this chapter, or of any interest realized on moneys received under this chapter may be commingled by the public corporation with funds of the municipality creating the public corporation.

NEW SECTION. Sec. 14. SUBLEASES AND ASSIGNMENTS. A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of an industrial development facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the industrial development facility shall be consistent with the purposes of this chapter.

NEW SECTION. Sec. 15. DETERMINATION OF RENT. Before entering into a lease, sale contract, or loan agreement with respect to any industrial development facility, the public corporation shall determine that there are sufficient revenues to pay (1) the principal of and the interest on the revenue bonds proposed to be issued to finance the industrial development facility; (2) the amount necessary to be paid each year into any reserve funds which the public corporation considers advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the industrial development facility; and (3) unless the terms of the lease, sale contract, or loan agreement provide that the lessee or contracting party shall maintain the industrial development facility and carry all proper insurance with respect thereto, the estimated cost of maintaining the industrial development facility in good repair and keeping it properly insured.

NEW SECTION. Sec. 16. PROCEEDINGS IN THE EVENT OF DEFAULT. The proceedings authorizing any revenue bonds under this chapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the industrial development facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this chapter to secure revenue bonds issued under this chapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the industrial development facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

NEW SECTION. Sec. 17. CONSTRUCTION—SUPPLEMENTAL NATURE OF CHAPTER. This chapter supplements and neither restricts nor limits any powers which a municipality or presently authorized public corporation might otherwise have under any laws of this state.

NEW SECTION. Sec. 18. LEGISLATIVE DIRECTIVE. Sections 1 through 17 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 19. CAPTIONS NOT PART OF LAW. As used in this chapter, captions constitute no part of the law.

NEW SECTION. Sec. 20. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, on line 1 of the title, after "development;" strike the remainder of the title and insert "adding a new chapter to Title 39 RCW; creating new sections; and prescribing penalties." and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Bluechel moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3554, and that the House be asked to recede therefrom.

Debate ensued.

The motion by Senator Bluechel carried. The Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3554, and asks the House to recede therefrom.

MOTION

On motion of Senator Clarke, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 372, by House Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Wilson:

Modifying the state environmental policy act.

The Senate resumed consideration of Engrossed House Bill No. 372 from April 21, 1981.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 372.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 372, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hemstad, Hughes, Hurley, Lysen, McDermott, Metcalf, Moore, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—21.

ENGROSSED HOUSE BILL NO. 372, 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

At 9:45 a.m., on motion of Senator Clarke, the Senate recessed until 10:35 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 10:35 a.m.

MOTION

On motion of Senator Clarke, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 371, by House Committee on Natural Resources and Environmental Affairs and Representatives Rosbach and Wilson: Restricting application of the shoreline management act to forest practices.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

On page one, line 18, strike all of subsection two.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

There being no objection, on motion of Senator Fuller, an amendment on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Gallagher, the rules were suspended, Engrossed House Bill No. 371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 371, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Jones, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, von Reichbauer, Wilson, Zimmerman—28.

Voting nay: Senators Bauer, Charnley, Fleming, Gaspard, Goltz, Hemstad, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Metcalf, Moore, Ridder, Scott, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody—21.

ENGROSSED HOUSE BILL NO. 371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 169, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representative Mitchell) (by Board of Pharmacy request):

Revising laws relating to pharmacy.

The bill was read the second time by sections.

On motion of Senator McDermott, the following amendment was adopted:

Beginning on page 1, line 23, strike all of section 1, and renumber remaining sections accordingly.

On motion of Senator Deccio, the rules were suspended, Engrossed Second Substitute House Bill No. 169, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 169, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognil, von Reichbauer, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Jones, Kiskaddon, Zimmerman—3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 169, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 599, by House Committee on Ethics, Law and Justice and Representatives Ellis, Rinehart, Patrick, Padden, Pruitt, Schmidt, Granlund, Becker, Wang, Tupper, Salatino, Winsley, Tilly, Gruger, Nelson (D.), Valle, Maxie, Lux, Eng, Burns, Galloway, Grimm, Rust and Brown:

Modifying provisions relating to enforcement of judgments.

REPORT OF STANDING COMMITTEE

April 14, 1981.

ENGROSSED HOUSE BILL NO. 599, modifying provisions relating to enforcement of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 35, Laws of 1935 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, (~~by posting written~~) the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than ((ten)) thirty days prior to the day of sale. Not less than thirty days prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.

(2) In case of real property, (~~by posting a similar~~) the sheriff shall post a notice as provided in section 2 of this 1981 act, particularly describing the property for a period of not less than four weeks prior to the day of sale in three public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement((and publishing)). The sheriff shall publish a copy thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated: PROVIDED, HOWEVER, That if there be more than one legal newspaper published in the county, then the plaintiff or

moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in section 2 of this 1981 act to be (a) served on the judgment debtor in the same manner as a summons in a civil action, and (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

NEW SECTION. Sec. 2. There is added to chapter 6.24 RCW a new section to read as follows:

The notice of sale shall be printed or typed and shall contain the following information:

- (1) That the court has directed the sheriff or other officer to sell the property described in the notice to satisfy a judgment;
- (2) The caption, cause number, and court in which the judgment to be executed upon was entered;
- (3) A legal description of the property to be sold, including the street address;
- (4) The scheduled date, time, and place of the sale;
- (5) An itemized account of the amount required to satisfy the judgment prior to sale, where the debtor can satisfy the judgment to avoid sale, and that failure to pay this amount will result in the sale of the property on the date specified in the notice;
- (6) A statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment; that if the debtor does have sufficient personal property to satisfy the judgment, the debtor should contact the sheriff's office immediately. However, this subsection is not applicable if the sale of real property is pursuant to a judgment of foreclosure of a mortgage; and

(7) Unless redemption rights have been precluded under RCW 61.12.093, the date by which the debtor may redeem the property; that the debtor may redeem the property by paying the amount of the bid at sale, with interest at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which may have been paid after purchase, and interest on such amount; that other creditors having a lien against the property by judgment, decree, or mortgage may also have a right to redeem the property and, if they redeem the property, the debtor may be required to pay additional sums in order to redeem; and that if the property to be sold is the permanent residence of the judgment debtor and is occupied by the debtor at the time of sale, the judgment debtor has the right to retain possession during the redemption period, if any, without payment of any rent or occupancy fee. The information contained in this subsection shall be captioned "IMPORTANT NOTICE" and shall be in boldface print or typed in capital letters.

Sec. 3. Section 6, chapter 53, Laws of 1899 and RCW 6.24.100 are each amended to read as follows:

Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation(;)"; notice of the filing of the return of sale shall be mailed by the clerk to all parties appearing in the action and proof of such mailing filed in the action; and the following proceedings shall be had:

(1) The ((plaintiff)) judgment creditor or successful purchaser at the sheriff's sale at any time after ((ten)) twenty days ((from)) have elapsed from the mailing of the notice of the filing of such return shall be entitled, on motion ((therefor)) with notice given to all parties appearing in the action, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within ((ten)) twenty days after the mailing of the notice of the filing of such return, his objections thereto.

(2) If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

(3) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: PROVIDED, Such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

NEW SECTION. Sec. 4. There is added to chapter 6.04 RCW a new section to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file an affidavit with the court stating:

(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment; and

(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW.

(2) The term "due diligence," as used in this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or abandonment has been filed by the judgment debtor.

A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.

If the affidavit attests that the premises are claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12-.140 through 6.12.250.

Sec. 5. Section 4, chapter 25, Laws of 1929 and RCW 6.04.040 are each amended to read as follows:

The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk, and shall be directed to the sheriff of the county in which the property is situated, or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon, and shall require substantially as follows:

(1) If the execution be against the property of the judgment debtor it shall require the officer to satisfy the judgment, with interest, out of the personal property of the debtor (~~(; and if sufficient personal property cannot be found, out of his real property upon which the judgment is a lien)~~) unless an affidavit has been filed with the court pursuant to section 4 of this 1981 act, in which case it shall require that the judgment, with interest, be satisfied out of the real property of the debtor.

(2) If the execution be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment, with interest, out of such property.

(3) If the execution be for the delivery of real or personal property, it shall require the officer to deliver possession of the same, particularly describing it, to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered, shall be specified therein. If a delivery of the property described in the execution cannot be had, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

(4) When the execution is to enforce obedience to any special order, it shall particularly command what is required to be done or to be omitted.

(5) When the nature of the case shall require it, the execution may embrace one or more of the requirements above mentioned. And in all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

NEW SECTION. Sec. 6. There is added to chapter 6.24 RCW a new section to read as follows:

Every two months during the redemption period provided by RCW 6.24.140, the purchaser or his assignee shall send by certified mail, return receipt requested, and by first class mail to the judgment debtor or his successor in interest a notice advising the judgment debtor that the redemption period is expiring, how many months have expired, and how many months remain. The notice shall also state the amount for which the property may be redeemed and shall advise the judgment debtor that if the property is not redeemed he will face eviction at the end of the redemption period. The notice shall be sent to the judgment debtor at the judgment debtor's last known address and, if different, the property address. The notice shall be sent between the first day and tenth day of the second calendar month after the calendar month of the sale and the equivalent days of each succeeding second calendar month thereafter during the redemption period. The sole effect of noncompliance with this section shall be that the redemption period provided by RCW 6.24.140 shall be extended two months for each missed or noncomplying notice.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending section 1, chapter 35, Laws of 1935 and RCW 6.24.010; amending section 6, chapter 53, Laws of 1899 and RCW 6.24.100; amending section 4, chapter 25, Laws of 1929 and RCW 6.04.040; adding new sections to chapter 6.24 RCW; and adding a new section to chapter 6.04 RCW."

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

Senator Hemstad moved adoption of the committee amendment.

Senator Talmadge moved adoption of the following amendments to the committee amendment:

On page 7 of the amendment, beginning on line 17, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. There is added to chapter 6.04 RCW a new section to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file an affidavit with the court stating:

(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment;

(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;

(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known.

(2) The term "due diligence," as used in this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been filed by the judgment debtor.

A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.

If the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250."

On page 11 of the amendment, after line 31, insert the following:

"Sec. 7. Section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010 are each amended to read as follows:

The homestead consists of the dwelling house(;) or the mobile home in which the ((claimant)) owner resides, with appurtenant buildings, and the land on which

the same are situated, and by which the same are surrounded, or land without improvements purchased with the intention of building a house and residing thereon(~~(, selected at any time before sale, as in this chapter provided)~~). A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

Sec. 8. Section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020 are each amended to read as follows:

If the (~~claimant be~~) owner is married, the homestead may (~~be selected from~~) consist of the community property(~~(, or, with the consent of the husband, from his separate property, or, with the consent of the wife, from her)~~) or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended (~~(, either at the time the declaration of homestead is filed or at any subsequent time)~~). When the (~~claimant~~) owner is not married, the homestead may (~~be selected from~~) consist of any of his or her property.

NEW SECTION. Sec. 9. There is added to chapter 6.12 RCW a new section to read as follows:

There is added to chapter 6.12 RCW a new section to read as follows:

(1) The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100.

(2) If an owner elects to select the homestead from unimproved land purchased with the intention of residing thereon, the owner must execute a declaration of homestead and file the same for record. However, if the owner also owns another parcel of property on which the owner presently resides, the owner must also execute a declaration of abandonment of homestead on the property on which the owner presently resides, and file the same for record.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead;

(b) A description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 10. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may (~~be selected and claimed in~~) consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the (~~claimant~~) owner, and shall not be devoted exclusively to any other purpose.

Sec. 11. Section 32, chapter 64, Laws of 1895 and RCW 6.12.070 are each amended to read as follows:

The declaration of homestead and declaration of abandonment of homestead referred to in section 9(2) of this 1981 act and the declaration of nonabandonment of homestead referred to in RCW 6.12.120 must be recorded in the office of the auditor of the county in which the land is situated.

Sec. 12. Section 33, chapter 64, Laws of 1895 and RCW 6.12.080 are each amended to read as follows:

From and after the time the property is occupied as a permanent residence by the owner or the declaration is filed for record ((the premises therein described)) if unimproved real property, the property constitutes a homestead. ((If the selection was made by a married person from the community property, the land, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this chapter, in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no case shall it be held liable for the debts of the owner, except as provided in this chapter.))

Sec. 13. Section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090 are each amended to read as follows:

The homestead is exempt from attachment and from execution or forced sale, except as in this chapter provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds. Every homestead ((claimed in the manner provided by law, shall be)) created under this chapter is presumed to be valid to the extent of all the lands claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 14. Section 7, chapter 64, Laws of 1895 and RCW 6.12.120 are each amended to read as follows:

A homestead ((can be)) is presumed abandoned ((only by a declaration of abandonment, or a grant thereof, executed and acknowledged:

(1) By the husband and wife if the claimant is married;

(2) By the claimant, if unmarried)) if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other permanent residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the premises, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the premises.

Sec. 15. Section 10, chapter 64, Laws of 1895 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made upon verified petition, showing—

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the ((claimant)) owner.

(3) That the value of the homestead exceeds the amount of the homestead exemption.

Sec. 16. Section 12, chapter 64, Laws of 1895 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the ~~((claimant))~~ owner and the owner's attorney at least ten days before the hearing.

Sec. 17. Section 17, chapter 64, Laws of 1895 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((land-claimed))~~ homestead can be divided without material injury, the court must, by an order, direct the appraisers to set off to the ~~((claimant))~~ owner so much of the land, including the residence, as will amount in value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 18. Section 18, chapter 64, Laws of 1895 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((land-claimed))~~ homestead exceeds in value the amount of the homestead exemption and that it cannot be divided, the court must make an order directing its sale under the execution.

Sec. 19. Section 20, chapter 64, Laws of 1895 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds ~~((thereof, to the amount of the homestead exemption, must be paid to the claimant and the balance applied to the satisfaction of the execution))~~ must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 20. Section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260 are each amended to read as follows:

The money paid to the ~~((claimant))~~ owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 21. Section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210 are each amended to read as follows:

The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: PROVIDED, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor shall have such right: PROVIDED, FURTHER, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon: AND, PROVIDED FURTHER, That in case of any homestead ~~((selected in the manner provided by law))~~ as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall

have the right to retain possession thereof during the period of redemption without accounting for issues for value of occupation.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030;

(2) Section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040;

(3) Section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and

(4) Section 8, chapter 64, Laws of 1895 and RCW 6.12.130."

Renumber the remaining section consecutively.

POINT OF INQUIRY

Senator Scott: "Senator Talmadge, we have discussed this on the floor once this session. Do I understand you are maintaining the \$20,000 current level but you are making it automatic?"

Senator Talmadge: "This amendment retains the \$20,000 level and makes it automatic. Somebody else might offer another amendment, but this amendment says '\$20,000.'"

Senator Scott: "And what is the fiscal, the stated fiscal impact since you have a for-certain number of people that are now they are going to receive the exemption?"

Senator Talmadge: "I do not think there will be any fiscal impact to the state, Senator Scott, that I can discern because people, if they wanted to right now, could go out and petition for the homestead right and if they understood the process, they could protect the assets in the way that this bill allows automatically."

Senator Scott: "But surely there is a difference between those, that is the purpose of your amendment, as I understand it, to insure that everyone gets it rather than just those that think about it and do the petitioning. There must be a net difference in the number of individuals involved."

Senator Talmadge: "Yes, but there is no impact to the state, if that is what you are getting at. The fiscal impact only comes in terms of whether or not somebody has a judgment against the debtor. It is not a situation involving the state unless the state happens to have a judgment of some kind against the debtor. And it relates only to the home in which the person lives, that is why it is called the 'homestead.'"

Senator Scott: "I see the logic in what Senator Talmadge is trying to do. I think my position is unchanged."

The motion by Senator Talmadge carried and the amendments to the committee amendment were adopted.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 11, line 32 of the Senate Committee Amendment, insert the following:

"Sec. 7. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((twenty)) forty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimant, and shall not be devoted exclusively to any other purpose."

Renumber the section following consecutively

Debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 11, line 32 of the Senate Committee Amendment, insert the following: "Sec. 7. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((twenty)) thirty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimant, and shall not be devoted exclusively to any other purpose."

Renumber the section following consecutively

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Rasmussen to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Zimmerman—24.

Senator Talmadge moved adoption of the following amendment to the committee amendment:

On page 11 of the amendment, insert the following:

"NEW SECTION. Sec. There is added to chapter 6.24 RCW a new section to read as follows:

(1) During the period of redemption for any property which a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to

the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage foreclosures under chapter 61.12 RCW."

POINT OF INQUIRY

Senator McCaslin: "Senator Hemstad, on line 16, the word 'nonexclusively.' My question is. . ."

"Thank you, Mr. President. My question is whether or not that has the same meaning as an open listing. I do not believe it has but I would wish that it be recorded in the journal."

Senator Hemstad: "I do not believe the term 'nonexclusively' would limit that to an open, only to open listings, I think. It would have the effect that when listed, it would not mean that it could be only an exclusive arrangement, in other words that it would have to be available for other kinds of listings, too."

Senator McCaslin: "Yes, I would assume other realtors could sell it but I would also assume that in the event the owner, the legal owner of the property, whether it be the sheriff or who would own it legally, if they sold it the listing broker would be entitled to a commission. . ."

Senator Hemstad: "If it hadn't listed, yes."

Senator McCaslin: "Yes."

POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, on your amendment to the Senate committee amendment, on line 20 it refers to a 'property owner,' but I do not believe it is very clear whether that is indeed the creditor; and I wonder if you would clarify that."

Senator Talmadge: "Senator Hayner, my understanding is that it is meant to be the creditor."

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

The motion by Senator Hemstad carried and the committee amendment, as amended, was adopted.

There being no objection, Engrossed House Bill No. 599, as amended by the Senate, was ordered held for consideration following Engrossed House Bill No. 705.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 61, by House Committee on Revenue (originally sponsored by Representatives Flanagan, Brown, Galloway, Greengo, Sommers, Hastings, Garson and Fiske):

Placing telephone companies and their competitors on an equal excise tax basis.

REPORT OF STANDING COMMITTEE

April 16, 1981.

SUBSTITUTE HOUSE BILL NO. 61, placing telephone companies and their competitors on an equal excise tax basis (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 12, line 21, strike "August 1, 1981." and insert "January 1, 1982."

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Fleming, Hayner, Jones, Lee, Pullen, Zimmerman.

The bill was read the second time by sections.

On motion of Senator Craswell, the committee amendment was adopted.

On motion of Senator Craswell, the rules were suspended, Substitute House Bill No. 61, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 61, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—41.

Voting nay: Senators Charnley, Lysen, Talley, Talmadge, Williams—5.

Absent or not voting: Senators Bauer, Jones, Patterson—3.

SUBSTITUTE HOUSE BILL NO. 61, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 520, by House Committee on Higher Education (originally sponsored by Committee on Higher Education and Representative Teutsch):

Implementing the law relating to community colleges.

REPORT OF STANDING COMMITTEE

April 13, 1981.

SUBSTITUTE HOUSE BILL NO. 520, implementing the law relating to community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 9, following section 3, add a new section to read as follows and renumber the remaining sections consecutively:

"**NEW SECTION.** Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The state board for community college education shall appoint a treasurer who shall be the financial officer of the board, who shall make such vendor payments and salary payments for the entire community college system as authorized by the state board, and who shall hold office during the pleasure of the board. All moneys received by the state board and not required to be deposited elsewhere, shall be deposited in a depository selected by the board, which moneys shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the state board shall conform to the collateral requirements required for the deposit of other state funds. Disbursement shall be made by check signed by the treasurer. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her and shall give bond for the faithful performance of the duties of his or her office in such amount as the board requires: PROVIDED, That the board shall pay the fee for any such bonds."

In line 9 of the title after "sections;" and before "and declaring" insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW;"

Signed by: Senators Benitz, Chairman; Charnley, Goltz, Guess, Scott.

The bill was read the second time by sections.

On motion of Senator Benitz, the committee amendment was adopted.

On motion of Senator Benitz, the committee amendment to the title was adopted.

On motion of Senator Benitz, the rules were suspended, Substitute House Bill No. 520, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 520, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Absent or not voting: Senators Bauer, Deccio, McDermott—3.

SUBSTITUTE HOUSE BILL NO. 520, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 705, by House Committee on Local Government and Representative Sanders:

Prohibiting code city-owned cable systems if a private system is available.

The bill was read the second time by sections.

On motion of Senator Quigg, the rules were suspended, Engrossed House Bill No. 705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 705, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Sellar, Talley, Vognild, von Reichbauer, Zimmerman—30.

Voting nay: Senators Bottiger, Charnley, Fleming, Gaspard, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—18.

Absent or not voting: Senator Gould—1.

ENGROSSED HOUSE BILL NO. 705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 599, by House Committee on Ethics, Law and Justice and Representatives Ellis, Rinehart, Patrick, Padden, Pruitt, Schmidt, Granlund, Becker, Wang, Tupper, Salatino, Winsley, Tilly, Gruger, Nelson (D.), Valle, Maxie, Lux, Eng, Burns, Galloway, Grimm, Rust and Brown:

Modifying provisions relating to enforcement of judgments.

The Senate resumed consideration of Engrossed House Bill No. 599 from earlier today. The committee amendment, as amended, was adopted at that time.

Senator Hemstad moved adoption of the committee amendment to the title.

On motion of Senator Rasmussen, the following amendment by Senator Rasmussen to the committee amendment to the title was adopted:

On page 12, line 12 of the title amendment, after "6.04.040;" insert "amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050;"

On motion of Senator Talmadge, the following amendment by Senator Talmadge to the committee amendment to the title was adopted:

On page 12 of the amendment, beginning on line 12 of the title amendment, after "6.04.040;" strike the remainder of the amendment and insert "amending section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010; amending section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020; amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050; amending section 32, chapter 64, Laws of 1895 and RCW 6.12.070; amending section 33, chapter 64, Laws of 1895 and RCW 6.12.080; amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090; amending section 7, chapter 64, Laws of 1895 and RCW 6.12.120; amending section 10, chapter 64, Laws of 1895 and RCW 6.12.150; amending section 12, chapter 64, Laws of 1895 and RCW 6.12.170; amending section 17, chapter 64, Laws of 1895 and RCW 6.12.220; amending section 18, chapter 64, Laws of 1895 and RCW 6.12.230; amending section 20, chapter 64, Laws of 1895 and RCW 6.12.250; amending section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260; amending section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210; adding a new section to chapter 6.12 RCW; adding new sections to chapter 6.24 RCW; adding a new section to chapter 6.04 RCW; repealing section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030; repealing section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040; repealing section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and repealing section 8, chapter 64, Laws of 1895 and RCW 6.12.130."

The motion by Senator Hemstad carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Hemstad, the rules were suspended, Engrossed House Bill No. 599, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 599, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Hayner—1.

Absent or not voting: Senators Deccio, Gould—2.

ENGROSSED HOUSE BILL NO. 599, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 491, by House Committee on Institutions (originally sponsored by House Committee on Ethics, Law and Justice and Representatives Bickham, Dickie, Clayton, Barr, Lewis and Patrick):

Including Indian tribal agency employees under Criminal Justice Training Commission.

The bill was read the second time by sections.

On motion of Senator Hemstad, the rules were suspended, Substitute House Bill No. 491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 491, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Absent or not voting: Senator Gould—1.

SUBSTITUTE HOUSE BILL NO. 491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 324, by House Committee on Local Government (originally sponsored by Representatives Thompson, Williams and Flanagan):

Eliminating interest rate limits for certain government financial obligations.

REPORT OF STANDING COMMITTEE

April 9, 1981.

SUBSTITUTE HOUSE BILL NO. 324, eliminating interest rate limits for certain government financial obligations (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 13, after line 22, insert the following:

"Sec. 14. Section 3, chapter 151, Laws of 1923 as last amended by section 58, chapter 56, Laws of 1970 ex. sess. and RCW 39.44.030 are each amended to read as follows:

Before any general obligation bonds issued by any county, city, town, school district, port district, or metropolitan park district shall be offered for sale the governing body issuing such bonds shall designate the maximum effective rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. Except as provided in section 94, chapter 232, Laws of 1969 ex. sess., (~~and section 107 of this amendatory act~~) when a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall have specified the maximum effective rate of interest to be borne by said bonds, no increase of such maximum effective rate of interest shall be made by the governing body. All such bonds, including refunding bonds, shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for (~~four~~) two consecutive weeks in the official newspaper of the issuer, and such other notice shall be given as the governing body may direct; or, if there be no official newspaper of the issuer, the publication shall be made in a newspaper of general circulation in the county in which the issuer is located. Such notice shall specify a place, and designate a day and hour, subsequent to the date of the last publication and at least (~~twenty-three~~) ten days subsequent to the date of the first publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. (~~A copy of such notice shall, at least three weeks prior to the date fixed for the sale, be mailed to the state finance committee, Olympia, Washington.~~) The notice shall specify the maturity schedule and the maximum effective rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying (1) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or (2) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the governing body to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of Washington, if one is received, shall be accompanied by a good faith deposit of five percent, either in cash or by cashier's or certified check made payable to the treasurer of the issuer, of the amount of the principal par value of such bonds which shall be promptly returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the issuer, and in that event the governing body may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such governing body, if it decides to reoffer such bonds for sale, shall readvertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the governing body shall determine by lot which bid will be accepted."

Remember the sections consecutively.

On page 1, line 24 of the title, after "36.88.470;" insert "amending section 3, chapter 151, Laws of 1923 as last amended by section 58, chapter 56, Laws of 1970 ex. sess. and RCW 39.44.030;"

On page 37, after line 31, insert the following:

"**NEW SECTION.** Sec. 36. There is added to chapter 39.58 RCW a new section to read as follows:

Any municipal corporation is authorized to establish a line of credit with any qualified public depository to be drawn upon for cashing its warrants, to delegate to

a fiscal officer authority to determine the amount of credit extended, and to pay interest and other finance or service charges. The interest rate may be a fixed rate set periodically or a fluctuating rate determined by agreement of the parties. If any warrant of a municipal corporation is presented and not paid for lack of funds, the interest rate set on unpaid warrants shall apply. Nothing in this section affects the priority for payment of warrants established by law."

Renumber the sections consecutively.

On page 2, line 32 of the title, after ";," strike "and" and on line 33, after "91.08-.450" insert "; and adding a new section to chapter 39.58 RCW"

Signed by: Senators Bauer, Charnley, Fuller, Gould, Lee, McCaslin, Wilson.

The bill was read the second time by sections.

Senator Zimmerman moved adoption of the committee amendment to page 13, line 22.

MOTIONS

On motion of Senator Clarke, Substitute House Bill No. 324, together with the pending committee amendments, was made a special order of business immediately following the noon recess.

On motion of Senator Fleming, Substitute House Bill No. 490 was ordered held following consideration of Substitute House Bill No. 324.

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 1981.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7, by Committee on Local Government (originally sponsored by Representatives Chamberlain, Isaacson, Garrett, Galloway, Barrett, King (J), Winsley, Nickell, Garson, Heck, Hine, Williams, Lundquist, Teutsch, Tilly, Stratton and Wang) (by Governor Spellman request) (by Secretary of State request) (by State Treasurer request):

Proposing constitutional amendment allowing state and municipal corporations and public corporations acting on their behalf to issue revenue bonds.

MOTION

Senator Clarke moved the rules be suspended and Engrossed Substitute House Joint Resolution No. 7 be advanced to second reading.

Senator Pullen objected.

There being no objection, the motion by Senator Clarke was withdrawn.

MOTION

At 12:30 p.m., on motion of Senator Clarke, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute House Joint Resolution No. 7 was advanced to second reading and placed on the second reading calendar for today.

SPECIAL ORDER OF BUSINESS
SECOND READING

SUBSTITUTE HOUSE BILL NO. 324, by House Committee on Local Government (originally sponsored by Representatives Thompson, Williams and Flanagan):

Eliminating interest rate limits for certain government financial obligations.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 324 from earlier today. Senator Zimmerman had moved adoption of the committee amendment to page 13, line 22.

POINT OF INQUIRY

Senator Bottiger: "Senator Zimmerman, during the break I was able to meet with the committee staff and also with the representatives of the cities and counties.

"And it is my understanding, and I would appreciate it if you would confirm it in the record, that the purpose of this amendment is not to amend in any way the authority of municipalities in their sale or issuance of bonds, that they can still, where they are otherwise authorized to do so, still sell bonds by the negotiation method. Is that your understanding?"

Senator Zimmerman: "You are exactly right, Senator Bottiger. It was not our intention in any way to change that. We would, only thing would be if they want to go to bids, that they would have a shortened period. That is the only purpose of this amendment. No way change the other . . ."

"We would be glad to see this perhaps worked into, in terms of interim study if you would like to later on. . . ."

Senator Bottiger: "Senator Zimmerman, I think it would be a good idea. From what we learned from the WPPSS' inquiry on this subject, it may be that we can save our local governments a substantial amount of money."

Senator Zimmerman: "I think it would be a good idea."

The motion by Senator Zimmerman carried and the committee amendment to page 13, line 22 was adopted.

On motion of Senator Zimmerman, the committee amendment to page 37, line 31 was adopted.

On motion of Senator Zimmerman, the committee amendments to the title were adopted.

On motion of Senator Zimmerman, the rules were suspended, Substitute House Bill No. 324, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Peterson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 324, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Vognil, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—36.

Voting nay: Senators Hurley, Lysen, Metcalf, Pullen, Rasmussen, Williams—

Absent or not voting: Senators Conner, Deccio, Gallagher, Hansen, Hemstad, Jones, Quigg—7.

SUBSTITUTE HOUSE BILL NO. 324, 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

At 1:45 p.m., on motion of Senator Clarke, the Senate was declared to be at case.

The President called the Senate to order at 2:25 p.m.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 490.

SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE HOUSE BILL NO. 490, by House Committee on Labor and Economic Development (originally sponsored by House Committee on Labor and Economic Development and Representatives Isaacson, Hankins, Hastings and Struthers):

Providing for a state exhibition at Energy Fair '83.

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 490.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 490 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 490, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Gallagher, Gaspard, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, McCaslin, Moore, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—22.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Fuller, Goltz, Guess, Hughes, Hurley, Lee, Lysen, McDermott, Metcalf, Patterson, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—27.

SUBSTITUTE HOUSE BILL NO. 490, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fuller moved the Senate immediately reconsider the vote by which Substitute House Bill No. 490 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, in the event consideration of the motion for reconsideration is placed tomorrow beyond the deadline, the matter would then still be alive, would it, since the"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, in reply to your inquiry, the President firmly believes that the measure has to be reconsidered some time today."

Senator Clarke: "Thank you, I move that"

President Cherberg: ". . . during the last ten days of the session is the time when the measure must be reconsidered on the day."

Senator Clarke: "Well, my impression was, and I may be in error, that the motion had to be made the same day, but that consideration of the motion could then be delayed until a later date; but we still, if that were done, we still perhaps, I think it is a money bill so I guess it goes, not a money bill, doesn't go beyond the deadline."

"I withdraw my parliamentary inquiry, Mr. President. Move that reconsideration be made a special order of business at 3:45 today."

There being no objection, on motion of Senator Clarke, the parliamentary inquiry was withdrawn.

MOTION

Senator Clarke moved that the motion for reconsideration by Senator Fuller on the failure of the Senate to pass Substitute House Bill No. 490 be made a special order of business for 3:45 p.m. today.

POINT OF ORDER

Senator Peterson: "Mr. President, Senator Fuller's motion was to reconsider immediately. That is the motion that is before us. That is what he said."

RULING BY THE PRESIDENT

President Cherberg: "Senator Fuller may have made such a motion; the President would have to check with the minute clerk to determine for sure. But Senator Clarke has moved that it be made a special order of business which has prevailed. The motion by Senator Fuller will be a special order of business at 3:45 p.m."

The motion by Senator Clarke carried. The motion for reconsideration by Senator Fuller on the failure of Substitute House Bill No. 490 to pass the Senate was made a special order of business for 3:45 p.m. today.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 525.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 525, by House Committee on Human Services (originally sponsored by House Committee on Human Services and Representatives Mitchell and Nisbet) (by Department of Social and Health Services request):

Establishing procedures for collection of public assistance overpayments.

The bill was read the second time by sections.

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 525 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Williams was excused.

POINT OF INQUIRY

Senator Shinpoch: "Senator Deccio, does this apply to overpayments where the department has made an error and they paid them five or ten dollars too much a month, and they finally, or whatever the amount may be, and they finally determined that, or does this only apply to fraud?"

Senator Deccio: "Senator, I cannot answer that. I am not the prime sponsor of the bill. I would have to check into that. I wish it would also provide for overpayments made in the case of the energy overpayments . . . almost a million dollars, I don't think it does that, either.

"I cannot answer your question. I would assume that any overpayment that would not be repaid would then probably come under this act."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 525, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Wilson, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Conner, Scott—2.

Absent or not voting: Senator Newhouse—1.

Excused: Senator Williams—1.

SUBSTITUTE HOUSE BILL NO. 525, 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 Clarke, the Senate commenced consideration of House Bill No. 537.

SECOND READING

HOUSE BILL NO. 537, by House Committee on Ethics, Law and Justice and Representatives Padden and McCormick:

Permitting issuance of an occupational driver's license to a person whose license has been revoked for refusing a blood alcohol test.

REPORT OF STANDING COMMITTEE

April 16, 1981.

HOUSE BILL NO. 537, permitting issuance of an occupational drivers license to a person whose license has been revoked for refusing a blood alcohol test (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, strike all of the material down to and including "308," on line 12

On page 1, after line 15 insert "Any person who is convicted or pleads guilty to a charge under RCW 46.61.502 and whose license has been revoked under RCW 46.20.308 may petition the court to stay the effect of the revocation for the purpose of submitting to the department an application for an occupational driver's license."

Signed by: Senators Hemstad, Vice Chairman; Newhouse, Pullen, Talmadge, Woody.

The bill was read the second time by sections.

On motion of Senator Newhouse, the committee amendments were adopted.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 537, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 537, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Wojahn, Woody, Zimmerman—45.

Voting nay: Senators Metcalf, von Reichbauer, Wilson—3.

Excused: Senator Williams—1.

HOUSE BILL NO. 537, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 570.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 570, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative Bickham):

Revising laws on interest on life insurance loans.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Substitute House Bill No. 570 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Sellar, not being absolutely familiar with Moody's index, could you give us an idea of just how high the interest rates on these policy loans might go, conceivably?"

Senator Sellar: "Senator, if my memory serves me right in the committee and this was probably a month or so ago, that rate would be about 12%. Could be higher

or lower than that, depending on what the index is. But at that time, think it was 12.1%, I think was the Moody index at that time."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 570, and the bill passed the Senate by the following vote: Yeas, 35; nays 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Woody, Zimmerman—35.

Voting nay: Senators Bauer, Charnley, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Talmadge, Wilson, Wojahn—12.

Absent or not voting: Senator Newhouse—1.

Excused: Senator Williams—1.

SUBSTITUTE HOUSE BILL NO. 570, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 40.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 40, by House Committee on Ethics, Law and Justice (originally sponsored by Representatives Barr, Prince, Amen, Hastings and Berleen):

Exempting small local governments from the Public Disclosure Act.

REPORT OF STANDING COMMITTEE

April 15, 1981.

SUBSTITUTE HOUSE BILL NO. 40, exempting small local governments from the Public Disclosure Act (reported by Committee on Constitutions and Elections):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Every candidate for or elected official of an agency which is: A city or town containing seven hundred fifty or fewer registered voters as of the date of the last preceding gubernatorial election; a school district with an enrollment of four hundred or fewer pupils as of December 31st of the preceding year; or a special purpose district having total operating and capital expenditures during its last fiscal year of two hundred and fifty thousand dollars or less shall, if an elected official, after January 1st and before April 15th of each year for the preceding calendar year or, if a candidate, within two weeks of becoming a candidate, for the preceding twelve months, file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual shall be required to file more than once in any calendar year:

PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each stock, bond, or business interest in which any such person or persons owned a direct financial interest which exceeded five hundred dollars at any time during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held in any entity which is within the county or counties containing the agency; and

(e) The name of any corporation, partnership, joint venture, association, union, or other entity which is within the county or counties containing the agency and in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the county or counties containing the agency, the assessed valuation of which exceeds five thousand dollars: PROVIDED, That the term "compensation" for purposes of this subsection (1)(e)(i) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(f) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the county or counties containing the agency, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(g) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the county or counties containing the agency, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for

such interest, and the name and address of the person furnishing such consideration; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the county or counties containing the agency, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the county or counties containing the agency, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(j) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (i) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Any person filing pursuant to this section will not be required to file pursuant to RCW 42.17.240.

NEW SECTION. Sec. 2. There is added to chapter 42.17 RCW a new section to read as follows:

The provisions of this chapter relating to the reporting of financial affairs shall not apply to any candidate for or elected official of a cemetery district created pursuant to RCW 68.16.060."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "and adding new sections to chapter 42.17 RCW."

Signed by: Senators Pullen, Chairman; Clarke, Gould, Metcalf.

The bill was read the second time by sections.

On motion of Senator Pullen, the committee amendment was adopted.

On motion of Senator Woody, following amendment by Senators Woody, Pullen, Gould, Goltz, Ridder and Metcalf was adopted:

On page 7, following line 6 insert:

"Sec. 3. Section 12, chapter 1, Laws of 1973 as amended by section 8, chapter 294, Laws of 1975 1st ex. sess. and Rcw 42.17.120 are each amended to read as follows:

(1) No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

(2) (a) Political advertising, whether relating to a candidate or ballot proposition, however promulgated or disseminated, shall identify either the candidate or political committee or other person, paying for the advertising, by giving the name and address of that person on the material or in connection with its presentation. When such person is a corporation, association, or other entity, the identification shall include the name of its chief executive officer, or where none is so designated, a

representative of the entity. Political yard signs and radio and television advertising are exempt from the requirements of this subsection (2) (a).

(b) Political advertising for a candidate for partisan political office shall identify clearly and conspicuously on the material or in connection with its presentation, the party with which such candidate is affiliated. A generally recognized abbreviation may be used to identify a candidate's party affiliation. All advertising relating to a candidate shall identify the office sought.

(c) The public disclosure commission may, by rule and/or on a case-by-case basis, exempt from the identification requirements of subsection (2)(a) and/or (2)(b) of this section, forms of political advertising such as campaign buttons, balloons, pens, pencils, and other forms of advertising where identification is impractical.

(3) At least one picture of the candidate used in any single item of political advertising shall have been taken within the last five years and shall be no smaller than the largest picture of the same candidate used in the advertisement.

(4) No political advertising may falsely represent that a candidate is an incumbent for the office sought.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 29.85.270, chapter 9, Laws of 1965, section 1, chapter 162, Laws of 1975 1st ex. sess. and RCW 29.85.270; and

(2) Section 29.85.280, chapter 9, Laws of 1965, section 2, chapter 162, Laws of 1975 1st ex. sess. and RCW 29.85.280."

Senator Pullen moved adoption of the committee amendment to the title.

On motion of Senator Woody, the following amendment to the committee amendment to the title was adopted:

On page 7, line 13 before "and" insert "amending section 12, chapter 1, Laws of 1973 as amended by section 8, chapter 294, Laws of 1975, 1st ex. sess. and RCW 42.17.120; repealing section 29.85.270, chapter 9, Laws of 1965, section 1, chapter 162, Laws of 1975, 1st ex. sess. and RCW 29.85.270; repealing section 29.85.280, chapter 9, Laws of 1965; section 2, chapter 162, Laws of 1975, 1st ex. sess. and RCW 29.85.280;"

The motion by Senator Pullen carried and the committee amendment, as amended, to the title was adopted.

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 40, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 40, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senators Conner, Gallagher—2.

Absent or not voting: Senator Hurley—1.

SUBSTITUTE HOUSE BILL NO. 40, 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.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Hansen, Sellar and Goltz:

Directing the legislative transportation committee to study partial deregulation of the trucking industry.

MOTIONS

On motion of Senator Hansen, Substitute Senate Concurrent Resolution No. 107 was substituted for Senate Concurrent Resolution No. 107 and the resolution was placed on second reading and read the second time in full.

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Haley, Hansen and Guess was adopted:

On page 1, line 21, after "of" strike the remainder of the wording down through "industry" on line 24 and insert "deregulating all or portions of the intrastate trucking industry"

On motion of Senator Jones, the following amendment by Senators Jones and Haley was adopted:

On page 1, line 27, strike "1983" and insert "1982"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 107 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 107, and the resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 107, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 228, by Representatives Dawson, Bickham, Ellis, Tilly, Clayton, McGinnis, Patrick, Wang, Houchen and Brown:

Modifying provisions on financial responsibility for motor vehicles.

REPORT OF STANDING COMMITTEE

April 15, 1981.

ENGROSSED HOUSE BILL NO. 228, modifying provisions on financial responsibility for motor vehicles (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10, insert a new section to read as follows:

"Section 1. Section 7, chapter 169, Laws of 1963 as amended by section 1, chapter 78, Laws of 1979 and RCW 46.29.070 are each amended to read as follows:

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within ((fifty)) one hundred eighty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice."

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after the semicolon insert "amending section 7, chapter 169, Laws of 1963 as amended by section 1, chapter 78, Laws of 1979 and RCW 46.29.070;"

Signed by: Senators Sellar, Chairman; Bauer, Bluechel, Clarke, Haley.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendment was adopted.

On motion of Senator Sellar, the committee amendment to the title was adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 228, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Mr. President and members of the Senate.

"I have a concern I guess, about the same section in the law, and it is in subsection (1). Subsection (1) says, 'Whenever the involvement in a motor vehicle accident in this state results in the driving privilege of a person being suspended, the department shall suspend the Washington registration of the motor vehicle which the person was driving at the time of the accident.'

"I guess my concern is, and maybe somebody could explain it, Senator Sellar or somebody else, what if the person is driving a motor vehicle of somebody other than himself or somebody in his family when the accident occurs? Does that mean in addition to suspending the driver's license of the person who was driving the car, which is the financial responsibility law, that somehow the department would be authorized to pull the registration on somebody else's vehicle, or vehicle registered in somebody else's name?"

Senator Sellar: "The way I read that, Senator, you are correct and that is, if the judgment is not settled, if it is not paid, then the department could do one or either or both. They could suspend the license of the driver or they could suspend

the registration of the vehicle. So I guess you would have to be a little bit more careful who you lend your uninsured car to."

POINT OF INQUIRY

Senator Shinpoch: "Senator Sellar, have we ever before had anything in either the insurance laws or anything else where we have suspended the motor vehicle license, or is this the first time that we have ever moved into that?"

Senator Sellar: "Senator Shinpoch, I am going to have to read some existing law to answer you. It is my feeling that 'Yes, there has been the ability to suspend the license in the case of the person who does not meet the requirements of the financial liability law that is on the books.'"

Senator Shinpoch: "Well, that is just the driver's license, is it not? I am talking about, suspending the motor vehicle license."

Senator Sellar: "Senator Shinpoch, I am probably going to have to put this down one and get that answer for you, because I am sure it is important to you and I cannot give it to you . . . right now."

MOTION

On motion of Senator Clarke, Engrossed House Bill No. 228, as amended by the Senate, was ordered held for consideration on third reading, following consideration of Engrossed House Bill No. 276.

SECOND READING

ENGROSSED HOUSE BILL NO. 276, by House Committee on Transportation and Representative Wilson (by Department of Licensing request):
Updating motor vehicle dealer laws.

REPORT OF STANDING COMMITTEE

April 9, 1981.

ENGROSSED HOUSE BILL NO. 276, updating motor vehicle dealer laws (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13 of the Title, after "adding" delete "section" and insert "sections"

On page 2, line 17, after "classification" insert the following new section:

"NEW SECTION. Sec. 2. There is added to chapter 46.70 RCW a new section to read as follows:

(1) The provisions of this chapter relating to the licensing and regulation of vehicle dealers, salesmen, and manufacturers shall be exclusive and no county, city, or other political subdivision of this state shall enact any laws, rules, or regulations licensing or regulating vehicle dealers, salesmen, or manufacturers.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon vehicle dealers or manufacturers maintaining an office within that political subdivision if a business and occupation tax is levied by such a political subdivision upon other types of businesses within its boundaries."

On page 3, line 13, after "follows:" strike all the material down through "dealer," on line 16 and insert:

"(1) The department shall issue a vehicle dealer license plate((s)) ((:)) which shall be attached to the rear of the vehicle only and which ((are)) is capable of distinguishing the classification of the dealer,"

On page 3, line 28, after "by" insert "their spouses, or by"

On page 3, line 31, after "by" delete "him" and insert "such individual"

Signed by: Senators von Reichbauer, Chairman; Patterson, Vice Chairman; Sellar, Vice Chairman; Guess, Hansen, Kiskaddon, Metcalf, Peterson, Vognild.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendments were adopted.

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed House Bill No. 276, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 276, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

ENGROSSED HOUSE BILL NO. 276, 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.

SPECIAL ORDER OF BUSINESS MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, the time has arrived to reconsider the vote by which Substitute House Bill No. 490, providing for a state exhibition at Energy Fair '83, failed to pass the Senate earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Benitz yield?"

"Well I would like to know why the commerce and economic department is not asking for the money. It is being asked, it seems to me, by somebody other than that."

Senator Benitz refused to yield.

POINT OF INQUIRY

Senator Lysen: "Would Senator McCaslin yield to a question?"

President Cherberg: "Senator McCaslin declines."

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fuller to reconsider the vote by which Substitute House Bill No. 490 failed to pass the Senate today.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Zimmerman—28.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gallagher, Gaspard, Goltz, Hughes, Hurley, Lysen, McDermott, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—21.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 490, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 490 and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gaspard, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gallagher, Goltz, Hughes, Hurley, Lysen, McDermott, Patterson, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

SUBSTITUTE HOUSE BILL NO. 490, having received the constitutional majority, on reconsideration, 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 Clarke, the Senate commenced consideration of Substitute House Bill No. 285.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 285, by House Committee on Education (originally sponsored by House Committee on Education and Representatives Cantu, Schmidt, Patrick, James, Barrett, Ellis, Johnson, Eberle, Dickie, McDonald, Lane, Taylor, Hastings, Sanders and Addison):

Mandating flag exercises in each classroom at beginning of school day.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 1, line 24, restore the stricken language beginning on line 24 and continuing through the end of line 1 on page 2.

POINT OF INQUIRY

Senator Hughes: "Senator Pullen, there are certain religions that do not allow an individual to salute any national symbol. Is there anything in the bill in the language that you want replaced that would address that problem?"

Senator Pullen: "My amendment, of course, has nothing to do with that. I believe the answer to your question is 'No,' but you may want to address that question to the chairman of the committee.

"My amendment only deals with the people who refuse to provide for the flag salute. That would be, for example, a school official; it would not apply to someone in the class whose religious convictions would prohibit them from saluting the flag."

Senator Hughes: "It would not apply to an individual who refused to do it?"

Senator Pullen: "Not the way I read the language in line 24 to 29 on page 1, and line 1 on page 2 of the bill."

Senator Hughes: "I would like to yield to Senator Talmadge."

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, would it be your intention that all that penalty language also applies to a child who doesn't maintain a respectful silence?"

Senator Pullen: "No, that is not my intention."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Talmadge, you feel sure the bill does not require people of Jehovah's witness faith and Adventists to salute the flag if their religion prohibits it?"

Senator Talmadge: "I think the bill, Senator, says that the people of that religious persuasion need not salute the flag, and need not go through the pledging allegiance to the flag as is required under the bill."

"But my concern rests, I guess, with the penalty section that Senator Pullen is attempting to put back in."

"I do not think all they need do is maintain a respectful silence and that includes a student or a teacher who might be of that religious persuasion."

Further debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 285 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Senator Talmadge, does this in any way apply to private schools?"

Senator Talmadge: "Senator, from what I can see, I think it says the 'board of directors of every school district.' I am not certain that it would apply to a private school. It simply would apply to a public school, by the language of the statute."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 285 and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent or not voting, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Guess, Hayner, Hurley, Jones, Kiskaddon, Lysen, McCaslin, McDermott, Metcalf, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vogniid, von Reichbauer, Wilson, Wojahn—35.

Voting nay: Senators Charnley, Goltz, Gould, Haley, Hemstad, Hughes, Moore, Scott, Williams, Woody—10.

Absent: Senators Hansen, Lee, Newhouse, Zimmerman—4.

SUBSTITUTE HOUSE BILL NO. 285, 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

Senator Bottiger moved Engrossed Substitute House Bill No. 149 be made a special order of business for 4:58 today.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Hughes: "Would Senator Clarke yield to a question?"

President Cherberg: "Senator Clarke declines."

POINT OF INQUIRY

Senator Hughes: "Senator Hurley, what will be the effect of not making this a special order of business? What will this mean if the majority party allows this bill to die?"

Senator Hurley: "I would presume that it would be quite an item of interest for the paper, I think it is a very, very popular issue. So many people have written and called and there have been surveys and much, much talk of this impending issue before the session even began. So it just means that if a child survives abortion, that it has a right to medical treatment, a right to live, a right guaranteed by the Constitution"

POINT OF ORDER

Senator Clarke: "I do not think the question and answer relates to the question presently before the Senate which is whether or not it should be made a special order of business."

RULING BY THE PRESIDENT

President Cherberg: "Will you please confine your remarks and questions to the motion to make Engrossed Substitute House Bill 149 a special order of business at 4:58."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that Engrossed Substitute House Bill No. 149 be made a special order of business for 4:58 p.m. today.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Benitz, Bluechel, Charnley, Clarke, Conner, Fleming, Gaspard, Hansen, Hughes, Hurley, Lysen, Moore, Peterson, Pullen, Rasmussen, Ridder, Talley, Talmadge, Vognild, Wojahn, Woody—22.

Voting nay: Senators Bottiger, Craswell, Deccio, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Williams, Wilson, Zimmerman—27.

STATEMENT FOR THE JOURNAL

April 22, 1981.

We voted against a motion to set House Bill 149 as a special order of business because we felt it was a dilatory move by the minority leader to usurp the prerogative of the majority to set the calendar. We did vote to set House Bill 149 on the calendar by voting the bill out of Rules Committee. If the minority wished to handle the bill, they could have allowed the Senate to get to the bill by acting responsibly and limiting time-wasting debate and procedural delays. We do favor House Bill 149. We also have the responsibility of getting the necessary legislation passed to wind up this session.

Signed,

SENATOR JEANNETTE HAYNER, District 16

SENATOR IRV NEWHOUSE, District 15

SENATOR E. G. PATTERSON, District 9.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 228, by Representatives Dawson, Bickham, Ellis, Tilly, Clayton, McGinnis, Patrick, Wang, Houchen and Brown:

Modifying provisions on financial responsibility for motor vehicles.

MOTIONS

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 228 was returned to second reading.

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch and Talmadge were adopted:

On page 4, line 6, after "vehicle" strike all the language down through "accident" on line 7 and insert "if the person driving at the time of the accident was also the registered owner of the motor vehicle"

On page 4, line 9, after "to the" strike "person's" and insert "owner's"

On page 4, line 10, after "the" strike "person's" and insert "owner's"

On page 4, line 11, after the period strike all the language down through the period on line 14.

Senator Rasmussen moved adoption of the following amendment:

On pages 3 and 4, strike new section 5.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 228 as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee,

Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—48.

Voting nay: Senator Rasmussen—1.

ENGROSSED HOUSE BILL NO. 228, 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 214, by Representatives Greengo, Rinehart, Chandler, Galloway, Bickham, Bond, Nisbet, Granlund, Rust, Warnke, Becker, Sanders, Teutsch, Taylor, Thompson, King (R.), Struthers, O'Brien, Burns, Patrick, Johnson, Padden, Nelson (D.) and Brekke:

Exempting nonprofit musical, dance, artistic, dramatic, and literary associations from property taxation.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Wilson:

On page 2, following line 6, insert:

"NEW SECTION. Sec. 2. There is added to chapter 84.36 RCW a new section to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations of persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

Sec. 3. Section 6, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.800 are each amended to read as follows:

As used in (~~((this 1973 amendatory act)))~~ RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, section 1 of this 1981 act, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the

salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor.

Sec. 4 Section 7, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.040, 84.36.050 (~~and~~), 84.36.060, and section 1 of this 1981 act, said nonprofit organizations, associations or corporations shall satisfy the following conditions:

(a) The property is used for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose;

(b) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(c) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(d) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(e) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(f) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.040, 84.36.050 (~~and~~), 84.36.060, and section 1 of this 1981 act.

Sec. 5. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 209, Laws of 1977 ex. sess. and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, (~~and~~) 84.36.060, and section 1 of this 1981 act, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes.

(2) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.050 to a school or college, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes, plus a tax, at the same rate as the property tax rate for that year, on the amount of profit from the sale of property (the difference between the sales price and the purchase price plus improvements): PROVIDED, That where the school or college has operated for more than ten years, no penalty shall be assessed.

(3) If the cessation of use under subsections (1) or (2) of this section involves a portion of the total property exemptions the provisions of those subsections shall apply only to that portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030."

Renumber remaining section consecutively.

MOTION

On motion of Senator Clarke, Engrossed House Bill No. 214 together with the pending amendment by Senators Bottiger and Wilson was ordered held for consideration following House Bill No. 459.

MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 711 was made a special order of business for 4:59 p.m. today.

SECOND READING

HOUSE BILL NO. 468, by House Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Maxie, Lux and Patrick:

Appropriating funds for veterans employment seminars.

The bill was read the second time by sections.

Senator Fuller moved adoption of the following amendment by Senators Fuller and Conner:

On page 1, after line 14, insert the following:

"Sec. 2. Section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005 are each amended to read as follows:

As used in (~~RCW 28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220, and 41.20.050~~) the Revised Code of Washington, unless the context clearly requires otherwise "veteran" includes every person(;) who ((at the time he seeks the benefits of RCW 28.76.560, 28.77.070, 28.80.060, 28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050,)) has served in any branch of the armed forces of the United States ((during)) for more than one hundred eighty consecutive days, and who, upon termination of said service, has:

(1) (~~Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has~~

(2)) Received ((and)) a discharge under honorable ((discharge)) conditions; or

~~((3))~~ (2) Received a discharge ~~((for physical reasons with an honorable record; or~~

~~(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given)) under honorable conditions for a service-connected disability, without regard to length of service.~~

Sec. 3. Section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010 are each amended to read as follows:

In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans as defined in RCW 41.04.005 except as provided in subsection (1) of this section, by adding to the passing mark, grade or rating ((only)), based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent ~~((to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination and not in any promotional examination until one of such examinations results in said veteran's first appointment. PROVIDED, That said percentage shall not be utilized in any promotional examination))~~ for examination for appointment to any veteran who has a service-connected disability rated at least thirty percent or who has been awarded a purple heart, or to a spouse of a veteran who died in active military service, was officially declared missing in action, or was a prisoner of war, unless the spouse remarries. The percentage shall apply to any competitive examination for appointment and not in any promotional examinations; or

(2) Five percent to ~~((a veteran who is receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination only and not in any promotional examination until one of such examinations results in said veteran's first appointment. PROVIDED, That said percentage shall not be utilized in any promotional examination;~~

~~(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year, or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended))~~ other veterans. The five percent shall apply to any competitive examination for an appointment and not to any promotional examinations. Any veteran who did not receive a campaign ribbon for serving during a war declared by congress or during a period for which a campaign ribbon was awarded shall claim the preference in this subsection within four years after the date of discharge;

~~((4))~~ (3) There shall be no examination preferences other than those which have been specifically provided for ~~((above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within eight years of the date of his release from active service))~~ in this section.

Sec. 4. Section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110 are each amended to read as follows:

Any ~~((veteran))~~ person who is a veteran ((of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and has been awarded an honorable discharge)) as defined in RCW 41.04.005, as now or hereafter amended, who submits to the director of licensing satisfactory proof that he or she ((is receiving compensation or a pension)) has a disability rating from the veterans administration or any branch of the armed forces of the United States for the loss of or the loss of the use of both arms or legs or one arm and one leg or a loss

or use of one arm or one leg that precludes locomotion without the use of or aid of braces, crutches, canes, a wheelchair, or a permanent prosthesis; he or she (~~has become unemployable~~) was captured and incarcerated by an enemy of the United States during a period of conflict with the United States; ((or) he or she has become blind in both eyes as the result of military service; or he or she is rated by the veterans administration as totally and permanently disabled due to service-connected conditions, shall be entitled to have issued to him or her by the director of licensing general license plates or license plates with distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a former prisoner of war. This license shall be issued annually for one vehicle for personal use without the payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of such plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees.

Any person who has been issued free motor vehicle license plates under this section prior to (~~June 12, 1980~~) the effective date of this 1981 act, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" shall mean that definition of "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor.

Sec. 5. Section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1975 1st ex. sess. and RCW 73.16.010 are each amended to read as follows:

(1) For positions in noncompetitive employment systems, except those positions exempt under RCW 41.06.070, in every public department, and upon all public works of the state, ((and of) any county ((thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their widows or widowers, shall be preferred for appointment and employment)), municipal corporation, or other political subdivision, veterans as defined in RCW 41.04.005 as now or hereafter amended shall be preferred over nonveterans for appointment but not promotion if the veterans have the necessary qualifications for the position which are equal to the qualifications of nonveterans. Age((- loss of limb;)) or ((other)) a physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved((- PROVIDED, That spouses of honorably discharged veterans who have a service connected permanent and total disability shall also be preferred for appointment and employment)). The spouse of such a veteran who died in active military service or has a service connected permanent and total disability or is officially declared as missing in action or a prisoner of war shall be preferred for appointment but not promotion.

(2) Subsection (1) of this section also applies where appointment is based on a state qualifying exam and the veteran's score is at least equal to the score of the nonveteran.

(3) A veteran as defined in RCW 41.04.005, as now or hereafter amended, shall claim the preference under subsection (1) of this section within four years of the date the veteran was discharged from military service unless:

(a) The veteran received a campaign ribbon for service during a war declared by congress or during a period where a campaign ribbon was awarded; or

(b) The veteran has sustained a disability rated thirty percent or more.

(4) If a governmental unit under subsection (1) of this section needs to consider sex, race, national origin, handicaps, periods of military service, or a service-connected disability rated thirty percent or more to achieve the established goals in a published affirmative action plan, the governmental unit need not comply with subsection (1) of this section.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section consecutively.

POINT OF INQUIRY

Senator Hemstad: "Senator Fuller, as I understand from what you said, does this floor amendment mean that a surviving spouse would stand in the shoes of a veteran for all purposes of civil service testing and advancing in all respects?"

Senator Fuller: "This has nothing to do with anything but the entry examination, the civil service entry examination. It would get a preference in points, point counts. It would not have anything to do with their advancement after they passed the initial exam."

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Reluctantly, being a supporter of both of these bills and being schooled in how to kill two good bills by hanging them together in the last session, I reluctantly raise the question of scope and object. And speaking to that, Mr. President, the bill under consideration is an appropriation for veterans' employment seminars. The amendment, proposed amendment, goes an entirely different field of civil service, different chapters and codes and creates preferential points for veterans in public employment.

"I think it expands the scope and object of the original bill."

President Pro Tempore Guess assumed the Chair.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of House Bill No. 167.

SECOND READING

HOUSE BILL NO. 167, by House Committee on Education and Representatives Taylor and Johnson:

Implementing law relating to program hour offerings under the basic education act.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 2, line 9, restore all of the stricken language on lines 9 and 10.

Debate ensued.

MOTION

Senator Rasmussen moved House Bill No. 167 be rereferred to the Committee on Education.

Debate ensued.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of the Special Order of Business, Engrossed Substitute House Bill No. 711.

SPECIAL ORDER OF BUSINESS
SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711, by House Committee on Education (originally sponsored by Representatives Addison and Lane):

Providing reimbursement for school district transportation costs only to school geographically nearest or next-nearest to student's place of residence.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 711.

REPORT OF STANDING COMMITTEE

April 7, 1981.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711, providing reimbursement for school district transportation costs only to school geographically nearest or next-nearest to student's place of residence (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after "September 1," strike "1982" and insert "1981"

Signed by: Senators Metcalf, Chairman; Benitz, Conner, Deccio, Gallagher, Moore, Quigg, Rasmussen.

The bill was read the second time by sections.

Senator Metcalf moved the committee amendment not be adopted.

Senator McDermott moved the committee amendment be adopted.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator McDermott that the committee amendment be adopted.

The motion by Senator McDermott failed.

The motion by Senator Metcalf carried and the committee amendment was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 1, beginning on line 18, strike "1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible" and insert "~~((1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible))~~ 1981-82 school year, reimbursement shall be at one hundred percent"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hughes, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones,

Kiskaddon, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Vognild, von Reichbauer, Zimmerman—29.

Senator Fleming moved adoption of the following amendment:

On page 1, beginning on line 27 after "level" strike "and/or course of study" and insert "": Provided further, that no school district shall be reimbursed under this section for transportation costs resulting from preschool and follow through programs, vocational technical programs, occupational education programs, bilingual education programs, gifted programs, compensatory programs, other special education programs and extracurricular activities where transportation for such programs and activities is to any school other than one which is geographically located nearest or next-nearest to the student's place of residence within the district offering the appropriate grade level""

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Fleming, you know, I agree with you, Senator Fleming. I would also object if vocational technical programs were mandatory and they said my kid had to take that program whether I wanted it or not. Same way with the gifted program; I might think that . . . was there for my kid to stay in school rather than have to go to a gifted program.

"But I think your amendment probably leaves out a couple of words in order to make that clear. It seems to me that you need to have, before the word 'preschool' which starts your whole list, a particular kind of special programs. The words 'mandatory programs for.' Would you agree that to be an oral amendment because you are talking about mandatory programs. If one mandatory program is not financed by the state, then other mandatory programs should not be financed. Is that correct? Would you agree to have that as an oral amendment?"

Senator Fleming: "No."

Senator Lee: "You would not? Then you are also talking about voluntary programs."

Senator Fleming: "What I am saying to you is that I want to make neighborhood schools. That is what you want, okay? You want a neighborhood school. I want your kids whether they are handicapped, whether it is for special programs, or whatever it is, I want you to do what is right and put the kind of money in our educational system to make those schools in your neighborhood quality education schools for whatever handicap our students have right in that neighborhood.

"And whether it is voluntary or whatever it is do not pay for . . ."

Senator Lee: "Okay, so you are saying we should not finance either, either voluntary or mandatory . . ."

Senator Fleming: ". . . what I am saying is let us stop the busses."

Senator Lee: "I wanted to make that very clear, that you were not just talking about mandatory programs."

Senator Fleming: "Let us stop the busses if they are so bad."

The motion by Senator Fleming failed and the amendment was not adopted on a rising vote.

There being no objection, an amendment by Senators Fleming and McDermott to page 1, line 28 adding a proviso, on the desk of the Secretary of the Senate, was withdrawn.

Senator Fleming moved adoption of the following amendment by Senators Fleming and McDermott:

On page 1, line 28, after "study" insert "": PROVIDED FURTHER, That notwithstanding the provisions of section 98 of Engrossed Substitute Senate Bill No."

3636, any moneys not reimbursed to a school district for transportation costs pursuant to this subsection shall be allocated to the school district for block grants under section 104 of Engrossed Substitute Senate Bill No. 3636"

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Metcalf, you read to us the amendment which I put on the desk which Representative McDonald has proposed for Substitute Senate Bill 3636. You read the text, beginning with 'The superintendent of public instruction shall transfer. . .'. Is it your belief and your intention that this money go back to the districts from which it was taken? In other words, if \$5,000,000 is taken out of the Seattle budget, will that money then go back in as a \$5,000,000 block grant to Seattle?"

Senator Metcalf: "The state transportation money comes from the state and it is state money. It is not, in this it does not specifically say that it goes back to those districts, Senator McDermott."

Senator McDermott: "Well, if that is your answer, then I think Senator Fleming is correct in his amendment because if you want the money specifically to go back to the districts that need it from which it has been taken, it seems to me you would need to make that specifically clear some place.

"We will not have an opportunity on 3636 to amend it. It will come back for a single vote on the floor of the Senate. We will vote 'aye' or 'no' in terms of concurrence with the budget.

"So we will never have a chance to put any specific language in this budget provision.

"For that reason that is why Senator Fleming and I wrote this provision because if it is your intention to make sure that the money goes back to the districts. I think you ought to support this amendment. I hope that you all will."

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Fleming and McDermott.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 24; absent or not voting, 1; the President voted "aye".

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hemstad, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—24,

Absent or not voting: Senator Rasmussen—1.

Senator Moore moved adoption of the following amendment:

On page 1, line 28, before the semicolon, insert "Any monies not reimbursed to a school district pursuant to this 1981 act shall be provided to the affected school district for remedial assistance programs, transitional bilingual programs, preschool education programs, affirmative education programs, community involvement programs, environmental education programs, cultural enrichment programs, education for superior students programs, Indian education programs, model programs, and Pacific Science Center programs"

There being no objection, on motion of Senator Moore, the amendment was withdrawn.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 28, after "study" insert "PROVIDED FURTHER, That the superintendent of public instruction, when so requested by the appropriate educational service district superintendent or his or her designee, may waive the requirements of this 1981 provision, if natural geographic boundaries or safety factors would make this provision unworkable and/or more costly to the district or to the state"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Metcalf yield to a question as to what my motives are? You know, I live in a rural area, my kids go to rural schools, I am going to vote for your bill; I am trying to fix it so when I go home I do not catch

Senator Metcalf: "Your motives, why don't you explain them, then? You know, no, I don't mean to challenge your motives, Senator. I just believe that this amendment will damage the bill for the reasons that I gave. This is a very tough constitutional issue. I am very happy we have the opinion from the attorney, Malachy Murphy; but this amendment will damage the bill, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Talmadge, are you inferring that a brother attorney, a fellow attorney, a member of the attorney general's department, would not give his most honest, forthright, frank opinion on this question that we are dealing with?"

Senator Talmadge: "Senator, I assume that the opinion of that gentleman would be just as frank as the opinion of one doctor would be in testifying in a malpractice case against another."

The motion by Senator Bottiger carried and the amendment was adopted.

Senator Wojahn moved adoption of the following amendment by Senators Wojahn, Talmadge, Gaspard, Rasmussen and Bottiger:

On page 1, line 27, after "level" strike all language down through "study" on line 28, and insert ", course of study, or special academic program as designated by the local school board"

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Members of the Senate. Reflecting and agreeing with the remarks of Senator Gaspard, we are very concerned in Tacoma about our Magnet school system, and I would like to, for the record, ask Senator Metcalf if he would yield to a question?"

"Senator Metcalf, will this bill prevent school districts from transporting students to Magnet schools?"

Senator Metcalf: "No, Senator Haley, you will note that at page 1, lines 27 and 28 of the bill, the quote 'appropriate course of study' is provided as an exemption to the requirement of nearest or next nearest school. The technical definition of the term 'course of study' as used in education, will include structuring of Magnet schools, consequently students could be transported to such schools even though they are not nearest or next nearest school."

Further debate ensued.

Senator Metcalf demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Wojahn, Talmadge, Gaspard, Rasmussen and Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Hemstad, Hughes, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hurley, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—23.

There being no objection, on motion of Senator Fleming, an amendment to page 1, line 27 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 711, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Senator Fleming, I want to be very sure that I understand the intent of your amendment.

"As I read it, if there are savings from the cessation of the mandatory bussing programs, those monies will be allocated to augmenting academic programs, special programs for enrichment in the communities in which the mandatory bussing programs cease. Is that accurate?"

Senator Fleming: "Senator Ridder, that is somewhat accurate. The intent, yes, indeed, is those affected districts that are involved in mandatory bussing at the present time, that would be negatively affected by this bill, i.e., withdrawing mandatory funds, those funds would go back to those affected districts to make sure that those programs in those districts receive the special education programs in those districts receive the funds to try to lessen the negative effect on those urban school districts that are to be affected."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Fleming, when, the last answer you gave was that if it was a mandatory bus program that the money would go back to the districts. What would happen in the case of a voluntary bussing program that was bussing beyond that . . . ?"

Senator Fleming: "Senator Kiskaddon, I think your bill 711 says that those school districts that are involved in mandatory bussing, that their state funds would be cut off. And so those are the only funds that we are talking about. I would assume the voluntary, the regular transportation budget as it is presented and as it is allocated would continue on its merry way."

POINT OF INQUIRY

Senator Talmadge: "Mr. President and members of the Senate.

"I intend to support this bill but I have three areas of concern and I would appreciate it if Senator Metcalf could yield to a question.

"Senator, is it the intent of this bill to unambiguously bar state reimbursement for mandatory desegregation programs?"

Senator Metcalf: "It was the intent of this bill to use the money that we now spend on mandatory bussing, forced bussing, the way we have the bill now written for the block grant, for the educational activities of students."

Senator Talmadge: "But it is the intent to stop state reimbursement for mandatory desegregation?"

Senator Metcalf nods 'yes.'

Senator Talmadge: "Senator, is it the intent of the bill to bar any state reimbursement for educational transportation programs other than mandatory desegregation?"

Senator Metcalf: "Well, we covered that well in the debate, Senator. It says very clearly 'courses of study' and if they are bussed to specific courses of study, it is obvious that that is legitimate under this bill."

Senator Talmadge: "So it would be 'no?'"

"Senator, the last question I had was with respect to course of study. Does 'course of study' mean 'voluntary racial transfer?' . . ."

Senator Metcalf: ". . . after the letter the course of study includes programs such as those for gifted students and so forth. A course of study could be a skill center, I suppose, where they teach auto mechanics, 'course of study' is relatively clear."

Senator Talmadge: "I am just thinking of a volunteer, there was a program in Seattle called 'voluntary racial transfer' where there was money coming in and part of it was state money and it was used to transfer kids who wanted to go to a school that had a different ethnic or racial background."

"And I would assume that 'course of study' did not mean 'voluntary racial transfer' here?"

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 711, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Woody, Zimmerman—39.

Voting nay: Senators Charnley, Conner, Fleming, Hemstad, McDermott, Ridder, Shinpoch, Williams, Wilson, Wjahn—10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 711, 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.

STATEMENT FOR THE JOURNAL

Yesterday in the course of debate on SHB 711, Senator Talmadge asked me a series of questions regarding the Legislative intent of SHB 711. You will recall that prior to these questions a considerable number of amendments had been offered to this bill. Some were adopted.

It was extremely difficult for me to determine the ultimate legislative intent due to the unfriendly amendments which were adopted and which were very carefully designed to weaken the bill in anticipation of future litigation.

I wish to make it clear for the record that my answers to Senator Talmadge's questions can in no way relate to the intent of the bill if the amendments involved in the dialogue between us are not sustained by the House.

Signed,
Senator Jack Metcalf.

President Cherberg assumed the Chair.

SECOND READING

HOUSE BILL NO. 468, by House Select Committee on Vietnam Era Veterans and Representatives Tupper, Bender, Van Dyken, Scott, Dawson, Brown, Pruitt, Winsley, Maxie, Lux and Patrick:

Appropriating funds for veterans employment seminars.

The Senate resumed consideration of House Bill No. 468 from earlier today. An amendment by Senators Fuller and Conner had been moved for adoption. A Point of Order had been raised by Senator Bottiger on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger, the President finds that House Bill No. 468 is a measure of limited scope which appropriates funds to the Department of Employment Security to conduct employer awareness seminars for the purpose of insuring private employer knowledge and support for veterans' employment programs.

"The amendment proposed by Senators Fuller and Conner on the other hand amends the civil service law relating to Veterans' preferences.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senators Fuller and Conner was ruled out of order.

On motion of Senator Metcalf, the rules were suspended, House Bill No. 468 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 468, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—49.

HOUSE BILL NO. 468, 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

At 6:25 p.m., on motion of Senator Clarke, the Senate adjourned until 8:00 a.m., Thursday, April 23, 1981.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 23, 1981.

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Annette Levesque and Laurie O'Leary, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 8:08 a.m., on motion of Senator Clarke, the Senate recessed until 9:30 a.m.

MOTION

On motion of Senator Clarke, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 3655, by Senators Metcalf, Fuller and Gould:
Relating to reapportionment and redistricting.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 3655 was substituted for Senate Bill No. 3655 and the substitute bill was placed on second reading and read the second time in full.

Senator Bottiger moved that Substitute Senate Bill No. 3655 be made a special order of business at 1:30 p.m. today.

On motion of Senator Clarke, the motion by Senator Bottiger was amended, changing the special order of business to 1:00 p.m.

The motion by Senator Bottiger, as amended by Senator Clarke carried. Substitute Senate Bill No. 3655 will be a special order of business at 1:00 p.m. today.

MOTION

Senator McDermott moved that Substitute House Bill No. 650 be held for consideration following the next measure and the Senate now consider Senate Joint Resolution No. 108.

Debate ensued.

MOTION

At 10:05 a.m., on motion of Senator Clarke, the Senate was at ease to meet with Japanese dignitaries in the office of the Lieutenant Governor.

The President called the Senate to order at 10:20 a.m.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber dignitaries from Japan and appointed Senators Vognild, Clarke, Goltz, Gould, Bottiger and Hayner as a committee of honor to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Mayor Isah Ishiko of Yashiro, Hyogo, Japan to address the Senate. Present with the Mayor were his wife and an interpreter, Ken Ohba.

The President of the Senate presented a Honorary Distinguished Citizen award of the State of Washington to the Mayor and his wife.

The committee of honor escorted the honored guests from the rostrum and the committee was discharged.

The President declared the question before the Senate to be the motion by Senator McDermott that Substitute House Bill No. 650 be held for consideration following the next measure and the Senate immediately consider Senate Joint Resolution No. 108.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott that further action be deferred on Substitute House Bill No. 650 and the Senate immediately consider Senate Joint Resolution No. 108.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PERSONAL PRIVILEGE

Senator Metcalf: "Thank you, Mr. President, members of the Senate.

"I think that, as this day progresses, this will be a very difficult day and perhaps a partisan day and I would like to raise a point upon which I think we can all agree; and I mention this because last night we had a Ruling, had a whole bunch of Rulings on scope and object, and . . . we finished that, basically I don't think that the bills that come up from now on will have very many rulings on scope and object.

"The last bill that was raised last night had a Ruling, and I really wanted that amendment to hang, and the President ruled that it was out of the scope and object and you know, that hurt, but by golly, I will tell you, the requirement that we hang, that we don't just paperhang in the Senate, and this thing of scope and object is one of the most important tools that we have to protect legislation, to make good legislation and to avoid improper legislation.

"And the President over the years has developed a reputation for very tight Rulings on scope and object.

"And I would like to say today that I think of all the contributions that President Cherberg has made to good government in Washington state, that his Rulings

on tight scope and object is, by far, the best and most important contribution that he has made to sound legislation in the state of Washington.

"And I would like to have the Senate join with me in a standing ovation to the President for his consistent Rulings over a lot of years on scope and object."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Metcalf, you really know how to embarrass a guy. A peacock today and a feather duster tomorrow."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I just wanted to remind Senator Metcalf of what the President told me one day when I complimented him on his Rulings. He told me that 'flattery will get me nowhere.'"

The motion by Senator Clarke carried and the Senate commenced consideration of Substitute House Bill No. 650.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 650, by House Committee on Education (originally sponsored by House Committee on Education and Representative Cantu):

Establishing school district building fund and specifying purposes for which it may be used.

The bill was read the second time by sections.

There being no objection, on motion of Senator Shinpoch, the amendments on the desk of the Secretary of the Senate to pages 2, 3, 4 and 5 were withdrawn.

There being no objection, on motion of Senator Kiskaddon, an amendment to page 3, line 20 on the desk of the Secretary of the Senate was withdrawn.

Senator Quigg moved adoption of the following amendment:

On page 5, line 1, after "fund insert:

" : PROVIDED, That the school district shall reimburse the common school construction fund for that portion of the proceeds representing the pro rata amount originally contributed by the state for the acquisition or construction of school district real property or improvements thereon"

Debate ensued.

The motion by Senator Quigg failed and the amendment was not adopted.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch, Williams, Hayner and Patterson:

On page 1, strike everything after the enacting clause and insert:

"Section 1. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 170, Laws of 1980 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law (~~or necessary or proper to carry out the functions of a school district~~); or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in ~~((subparagraph)) (2) ((immediately above))~~ of this section (~~or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor~~); or

(4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or

(5) For major and minor structural changes and structural additions to buildings, structures, facilities, heating systems and sites (~~(necessary or proper to carrying out the functions of the school district)~~); or

(6) Providing the necessary initial equipment, furniture, to be utilized in the capital facilities described in subsections 2 through 5 of this section; or

(7) For special assessments for capital improvements, including but not limited to streets, curbs, water mains, drainage, and sidewalks; or

(8) For normal and necessary costs of acquisition, construction, and supervising construction of items enumerated in subsections 2 through 5 of this section; or

(9) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds so issued shall be in such form, for such terms, bear such interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in accordance with this chapter and chapter 39.44 RCW.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A building reserve fund shall be established. Money to be deposited into the building reserve fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.58.035, and proceeds from the sale of real property as authorized by RCW 28A.58.0461.

Money legally deposited into the building reserve fund may be used for:

(a) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section

(1) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(2) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(3) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(b) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(c) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with building reserve fund money.

(d) Transfer to the building and capital projects fund.

(3) A building and capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the building and capital projects fund so established. Money to be deposited into the building and capital projects fund shall include but not be limited to bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.41.143, earnings from building fund investments as authorized by RCW 28A.58.435 and RCW 28A.58.440, and transfers from the building reserve fund.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51.010, except that accrued interest paid for bonds shall be deposited in the bond interest and redemption fund.

Money legally deposited into the building and capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include but shall not be limited to roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

Sec. 3. Section 2, chapter 243, Laws of 1975 first ex. sess. as amended by section 1, chapter 80, Laws of 1975-76 second ex. sess. and RCW 28A.58.0461 are each amended to read as follows:

The proceeds from any sale of school district real property by a board of directors shall be ~~((used solely for the purposes of school district bond retirement, real property improvements, the equipping or furnishing of school district buildings or grounds, or the acquisition of improved or unimproved real property. PROVIDED; That such acquisition shall be made only in contemplation of using such improved or unimproved real property for school district purposes))~~ deposited to the bond interest and redemption fund and/or the building reserve fund.

Sec. 4. Section 4, chapter 115, Laws of 1980 and RCW 28A.58.035 Each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property into the district's building reserve fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund.

NEW SECTION. Sec. 5. The effective date of this amendatory act shall be September 1, 1981."

Senator Wojahn moved adoption of the following amendment to the amendment by Senators Shinpoch, Williams, Hayner and Patterson:

In section 2, page 3, add a subsection 4 to read as follows:

"(4) Other funds may be established by rule or regulation of the superintendent of public instruction working in cooperation with the state auditor. Such rule or regulation shall establish the purpose, standards, conditions, and procedures governing the establishment and use of other school district funds and special accounts within all funds."

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the issue of scope and object here. This bill deals with using building funds for certain limited purposes and it does not include expanding it to give the superintendent of public instruction rule and regulation authority into other areas."

MOTION

On motion of Senator Clarke, Substitute House Bill No. 650 together with the pending amendment by Senators Shinpoch, Williams, Hayner and Patterson and the amendment to the amendment by Senator Wojahn and the Point of Order raised by Senator Hayner will be considered as the second measure following the noon recess.

SECOND READING

ENGROSSED HOUSE BILL NO. 590, by Committee on Ethics, Law and Justice and Representative Ellis:

Modifying provisions relating to court funds.

The Senate resumed consideration of Engrossed House Bill No. 590 from April 22, 1981.

On motion of Senator Scott, the following amendment by Senators Scott and Shinpoch was adopted:

On page 1, line 29, strike "five" and insert "three"

POINT OF INQUIRY

Senator Talmadge: "Mr. President and members of the Senate.

"This is a question maybe Senator Clarke can answer. The concern I have with this amendment and with this section of the bill is that in House Bill 601 that we sent back to the House, there is a section that provides for an increase in the filing fee for the district court from \$12 to \$20, that is Senator Shinpoch's amendment.

"This particular area, this particular amendment deals with the very same section in the RCW, and I was wondering whether we were going to deal with the House Bill 601 to deal with that problem, or whether we have an amendment that would take out the \$20 provision in this bill?"

Senator Shinpoch: "Senator Talmadge, it is my understanding that if we pass House Bill 590 with this breakout in it, that the House will ask us to recede from my amendment, and when it comes back, I would request that we do that."

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 590, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Ridder, Senator Shinpoch was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 590, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 1; excused, 1.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Woody, Zimmerman—42.

Voting nay: Senators Deccio, Newhouse, Pullen, Rasmussen, Ridder—5.

Absent or not voting: Senator Wojahn—1.

Excused: Senator Shinpoch—1.

ENGROSSED HOUSE BILL NO. 590, 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.

MOTIONS

On motion of Senator Bottiger, all members were permitted as sponsors to Senate Resolution No. 1981-84.

On motion of Senator Gaspard, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981-84

By Senators Gaspard, Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody and Zimmerman; Lieutenant governor John a. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, It is in the Senate tradition to recognize and honor outstanding individual performances; and

WHEREAS, James C. Martinson of Puyallup, Washington, completed the 1981 Boston Marathon in 2 hours and 41 seconds, the fastest overall time for all entrants, and as the first-place wheelchair competitor he finished more than six minutes ahead of the second-place wheelchair participant; and

WHEREAS, Jim Martinson, a graduate of Sumner High School, where he starred in football, basketball and baseball, and was a hopeful downhill skier for the 1968 U. S. Olympic ski team; and

WHEREAS, Jim Martinson served in the Vietnam War where he lost both legs above the knees in a land-mine explosion; and

WHEREAS, Jim Martinson is truly an inspiration and an example to us all through his continued athletic dedication and success, and through his religious commitment which has helped him overcome so many obstacles;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Jim Martinson is to be congratulated for his outstanding and inspirational achievement in the 1981 Boston Marathon, and best wishes are extended to Jim Martinson for continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Jim and his wife, Kathy Martinson, and other members of his family.

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, members of the Senate, and Jim and Kathy and Julie.

"One of the more pleasurable things about serving in Olympia and the Washington State Senate, is to recognize outstanding individuals and outstanding performances; and Jim, as a friend I have known you for a number of years and competed against you when we went to rival high schools.

"I just want to say that I think that we all are very happy to share in your success and to say that you are truly an inspiration to all of us and to both you and your family, we wish you continued success. A very heart-warm 'thank you.'"

With permission of the Senate, business was suspended to permit James C. Martinson to address the Senate.

The President of the Senate presented an Honorary Citizen Certificate to Mr. Martinson.

MOTIONS

On motion of Senator Talmadge, all members were permitted as additional sponsors of Senate Resolution No. 1981-66.

On motion of Senator Talmadge, the following resolution was unanimously adopted:

SENATE RESOLUTION 1981-66

By Senators Talmadge, McDermott, Craswell, Shinpoch, Gaspard, McCaslin, Zimmerman, von Reichbauer, Hughes, Moore, Bauer, Patterson, Quigg, Fuller, Metcalf, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Deccio, Fleming, Gallagher, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, Newhouse, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Vognild, Williams, Wilson, Wojahn and Woody; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Marilyn Brachtenbach, Deputy Secretary of the Senate; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, The United nations has designated 1981 as the International Year of Disabled Persons; and

WHEREAS, The Northwest Chapter of the Paralyzed Veterans of America and other organizations throughout the handicapped community are dedicated to improving the lifestyle of all handicapped and disabled citizens of Washington; and

WHEREAS, These organizations endeavor to educate and inform every Washingtonian about all aspects of handicapped life; and

WHEREAS, An important aspect of life for handicapped people is athletics, both spectator sports and as participants; and

WHEREAS, The National Wheelchair Games, with approximately five hundred participants from across the country, will be held in Seattle from June 17 to June 21, 1981;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Governor is requested to proclaim the week of June 14 through 21, 1981, as "Washington Disabled Citizens Week"; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be transmitted by the Secretary of the Senate to the Honorable Governor John Spellman, to the Northwest Chapter of the Paralyzed Veterans of America, and to the organizers of the National Wheelchair Games.

MOTION

At 11:58 a.m., on motion of Senator Clarke, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

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

MESSAGES FROM THE HOUSE

April 22, 1981.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3015,
 SUBSTITUTE SENATE BILL NO. 3060,
 SUBSTITUTE SENATE BILL NO. 3780,
 SENATE BILL NO. 3785,
 ENGROSSED SENATE BILL NO. 4022,
 SENATE BILL NO. 4027,

SUBSTITUTE SENATE BILL NO. 4309, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 22, 1981.

Mr. President: The House has passed:

SENATE BILL NO. 3039,
SENATE BILL NO. 3055,
SECOND SUBSTITUTE SENATE BILL NO. 3105,
SENATE BILL NO. 3109,
SENATE BILL NO. 3153,
ENGROSSED SENATE BILL NO. 3183,
SENATE BILL NO. 3189,
SENATE BILL NO. 3191,
SENATE BILL NO. 3265,
SUBSTITUTE SENATE BILL NO. 3299,
ENGROSSED SENATE BILL NO. 3580,
SUBSTITUTE SENATE BILL NO. 3584,
SENATE BILL NO. 3776,
SUBSTITUTE SENATE BILL NO. 3777,
SUBSTITUTE SENATE BILL NO. 3778, and the same are herewith

transmitted.

VITO T. CHIECHI, Chief Clerk.

April 22, 1981.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3514,
SUBSTITUTE SENATE BILL NO. 3857,
SENATE BILL NO. 3872,
SENATE CONCURRENT RESOLUTION NO. 113, and the same are here-

with transmitted.

VITO T. CHIECHI, Chief Clerk.

April 22, 1981.

Mr. President: The House has passed:

SENATE BILL NO. 3157,
ENGROSSED SENATE BILL NO. 3242,
SENATE BILL NO. 3255,
ENGROSSED SENATE BILL NO. 3372,
SENATE BILL NO. 3532,
SENATE BILL NO. 3586,
ENGROSSED SENATE BILL NO. 3871,
ENGROSSED SENATE BILL NO. 4026,
SUBSTITUTE SENATE BILL NO. 4078,
SUBSTITUTE SENATE BILL NO. 4131,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 106, and the same are

herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 22, 1981.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 136,
SUBSTITUTE HOUSE BILL NO. 184,
HOUSE BILL NO. 244,
SUBSTITUTE HOUSE BILL NO. 250,
SUBSTITUTE HOUSE BILL NO. 297,
SUBSTITUTE HOUSE BILL NO. 323,

HOUSE BILL NO. 354,
 SUBSTITUTE HOUSE BILL NO. 431,
 HOUSE BILL NO. 433,
 SUBSTITUTE HOUSE BILL NO. 466,
 HOUSE BILL NO. 502,
 HOUSE BILL NO. 530,
 SUBSTITUTE HOUSE BILL NO. 532,
 HOUSE BILL NO. 692,
 HOUSE BILL NO. 701,
 HOUSE BILL NO. 707,
 HOUSE BILL NO. 734, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 22, 1981.

Mr. President: The House has passed: SENATE BILL NO. 3072, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3039,
 SUBSTITUTE SENATE BILL NO. 3127,
 SUBSTITUTE SENATE BILL NO. 3154,
 SENATE BILL NO. 3306,
 SUBSTITUTE SENATE BILL NO. 3464,
 SENATE BILL NO. 3465,
 SUBSTITUTE SENATE BILL NO. 3630,
 SENATE BILL NO. 3639,
 SENATE BILL NO. 3722,
 SENATE BILL NO. 3730,
 SENATE BILL NO. 3745,
 SUBSTITUTE SENATE BILL NO. 3777,
 SENATE BILL NO. 3784,
 SUBSTITUTE SENATE BILL NO. 3867,
 SENATE BILL NO. 3893,
 SENATE BILL NO. 4022,
 SUBSTITUTE SENATE BILL NO. 4209,
 SUBSTITUTE SENATE BILL NO. 4309

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 136,
 SUBSTITUTE HOUSE BILL NO. 184,
 HOUSE BILL NO. 244,
 SUBSTITUTE HOUSE BILL NO. 250,
 SUBSTITUTE HOUSE BILL NO. 297,
 SUBSTITUTE HOUSE BILL NO. 323,
 HOUSE BILL NO. 354,
 SUBSTITUTE HOUSE BILL NO. 431,
 HOUSE BILL NO. 433,
 SUBSTITUTE HOUSE BILL NO. 466,
 HOUSE BILL NO. 502,
 HOUSE BILL NO. 530,
 SUBSTITUTE HOUSE BILL NO. 532,
 HOUSE BILL NO. 692,

HOUSE BILL NO. 701,
HOUSE BILL NO. 707,
HOUSE BILL NO. 734.

On motion of Senator Clarke, the special order of business for 1:00 p.m. to consider Substitute Senate Bill No. 3655 was deferred until consideration of Substitute House Bill No. 650.

SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE HOUSE BILL NO. 650, by House Committee on Education (originally sponsored by House Committee on Education and Representative Cantu):

Establishing school district building fund and specifying purposes for which it may be used.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 650 from earlier today. At that time an amendment by Senator Shinpoch and others had been moved for adoption and an amendment to that amendment by Senator Wojahn had been moved for adoption. A Point of Order was raised by Senator Hayner on the amendment to the amendment by Senator Wojahn.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Hayner, the President finds that Substitute House Bill No. 650 is a measure which establishes new school district funds in order to allow school districts greater administrative flexibility.

The amendment proposed by Senator Wojahn also deals with the establishing of new school district funds.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The following amendment by Senator Wojahn to the amendment by Senator Shinpoch and others was ruled to be in order:

In section 2, page 3, add a subsection 4 to read as follows:

"(4) Other funds may be established by rule or regulation of the superintendent of public instruction working in cooperation with the state auditor. Such rule or regulation shall establish the purpose, standards, conditions, and procedures governing the establishment and use of other school district funds and special accounts within all funds."

Debate ensued.

Senator Kiskaddon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Wojahn to the amendment by Senators Shinpoch, Williams, Hayner and Patterson.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 18; nays, 27; absent or not voting, 4.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Talley, Talmadge, Williams, Wojahn, Woody—18.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Wilson, Zimmerman—27.

Absent or not voting: Senators Conner, Hughes, Jones, Vognild—4.

The President declared the question before the Senate to be the amendment by Senators Shinpoch, Williams, Hayner and Patterson.

The amendment was adopted.

On motion of Senator Kiskaddon, the rules were suspended, Substitute House Bill No. 650, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 650, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—46.

Voting nay: Senator Scott—1.

Absent or not voting: Senators Conner, Hughes—2.

SUBSTITUTE HOUSE BILL NO. 650, 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 Bottiger, the Senate resumed consideration of Engrossed House Bill No. 214.

SECOND READING

ENGROSSED HOUSE BILL NO. 214, by Representatives Greengo, Rinehart, Chandler, Galloway, Bickham, Bond, Nisbet, Granlund, Rust, Warnke, Becker, Sanders, Teutsch, Taylor, Thompson, King (R.), Struthers, O'Brien, Burns, Patrick, Johnson, Padden, Nelson (D.), and Brekke:

Exempting nonprofit musical, dance, artistic, dramatic, and literary associations from property taxation.

The Senate resumed consideration of Engrossed House Bill No. 214 from April 22, 1981. At that time, the following amendment by Senators Bottiger and Wilson had been moved for adoption by Senator Bottiger:

On page 2, following line 6, insert

"NEW SECTION. Sec. 2. There is added to chapter 84.36 RCW a new section to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations of persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the

exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

Sec. 3. Section 6, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.800 are each amended to read as follows:

As used in (~~(((this 1973 amendatory act)))~~) RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, section 1 of this 1981 act, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor.

Sec. 4 Section 7, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.040, 84.36.050 (~~(and)~~) , 84.36.060, and section 1 of this 1981 act, said nonprofit organizations, associations or corporations shall satisfy the following conditions:

(a) The property is used for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose;

(b) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(c) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(d) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(e) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(f) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.040, 84.36.050 (~~(and)~~) , 84.36.060, and section 1 of this 1981 act.

Sec. 5. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 209, Laws of 1977 ex. sess. and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, ((and)) 84.36.060, and section 1 of this 1981 act, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes.

(2) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.050 to a school or college, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes, plus a tax, at the same rate as the property tax rate for that year, on the amount of profit from the sale of property (the difference between the sales price and the purchase price plus improvements): PROVIDED, That where the school or college has operated for more than ten years, no penalty shall be assessed.

(3) If the cessation of use under subsections (1) or (2) of this section involves a portion of the total property exemptions the provisions of those subsections shall apply only to that portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030."

Renumber remaining section consecutively.

On motion of Senator Bottiger, the following amendment to the amendment by Senators Bottiger and Wilson was adopted:

On page 1, after the third paragraph of new section 2 insert the following paragraph: "The department of revenue shall narrowly construe this exemption and shall annually report to the legislature the names of organizations receiving such property tax exemptions."

On motion of Senator Zimmerman, the following amendment to the amendment by Senators Bottiger and Wilson was adopted:

After "one acre" at the end of the first paragraph insert:

": PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed 29 acres"

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger and Wilson as amended.

Debate ensued.

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Bottiger, the following amendment to the title was adopted:

On page 1, line 3 of the title, following "060;" insert "amending section 6, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.800; amending section 7, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.805; amending section 8, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 209, Laws of 1977 ex. sess. and RCW 84.36.810; and adding a new section to chapter 84.36 RCW."

On motion of Senator Guess, the rules were suspended, Engrossed House Bill No. 214, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 4.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody, Zimmerman—44.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senators Conner, Fleming, Hughes, von Reichbauer—4.

ENGROSSED HOUSE BILL NO. 214, 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.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3655, by Committee on State Government (originally sponsored by Senators Metcalf, Fuller and Gould):

Providing for redistricting and reapportionment.

The Senate resumed consideration of Substitute Senate Bill No. 3655 from earlier today.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 3 after "intent" strike the remainder of the section and insert:

"of the legislature that each district meet the following criteria:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census;

(2) To the extent consistent with other criteria of this section, district lines shall be drawn so as to coincide with the boundaries of local political subdivisions. The number of counties and municipalities divided among more than one district shall be as small as possible;

(3) Districts shall be composed of convenient, contiguous, and compact territory. Land areas are deemed contiguous if they share a common land border or are connected by a highway, bridge, or tunnel. Areas separated by unbridged water are deemed contiguous to the nearest land area only where necessary to comply with the other criteria enumerated in the constitution and this section. Areas which only

share common borders at the points of adjoining corners may not be deemed contiguous. areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be deemed contiguous;

(4) No district may be drawn for the purpose of diluting the voting strength of any language or racial minority group;

(5) A precinct shall be wholly within a single legislative district; and

(6) No district may be drawn for the purpose of favoring any political party.

The legislature hereby declares that in the event these criteria are not followed the plan shall be declared invalid and void and a non-partisan demographer shall be selected by the Washington State Supreme Court for purposes of preparing a new redistricting plan following the criteria."

On motion of Senator Bottiger, the following amendment to the amendment by Senator Bottiger was adopted:

In the Bottiger amendment, strike (5) subsection in its entirety and renumber accordingly.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

Senators Clarke, Hayner and Jones demanded a Call of the Senate.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the Call of the Senate.

ROLL CALL

The Secretary called the roll and the demand for the Call of the Senate was sustained by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Clarke, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger as amended by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen,

Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

MOTION

At 1:57 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 2:25 p.m.

The Senate resumed consideration of Substitute Senate Bill No. 3655.

Senator Charnley moved the following amendments by Senators Charnley and Fleming be considered and adopted simultaneously:

On page 4, section 10, line 4 strike "First" and insert "Forty Fourth."

On page 5, section 10, lines 20 and 21 strike all words on lines 20 and 21.

On page 39, section 55, line 5 strike "Forty-Fourth" and insert "First."

On page 39, section 55, line 19 delete after "districts:" "1".

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, rule 21 in the Senate rules provides that 'No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested,'"

"And Mr. President, by its very nature, redistricting is something in which a member is personally or directly interested in.

"But when there is a situation involving a specific geographical jiggle in which a person actually has their own personal residence, would that constitute a 'personal interest' sufficient to require that that member disqualify themselves from voting pursuant to rule 21?"

(no reply)

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, what I am getting at in reality, is the question of where someone had actually physically located in terms of their own personal residence; not necessarily to be simply an issue involving a whole legislative district, but an issue involving their own personal home and family residence."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge, in reply to your inquiry, the President believes that every member of the Senate is affected by the redistricting measure, some to a certain degree, some to a lesser degree.

"The President cannot single out any single person as having a personal interest in the manner that you describe."

Senator Talmadge: "What you are suggesting, Mr. President, is then, each individual member has to search his or her conscience to determine if there is a personal interest there or not?"

President Cherberg: "They can express their conscience but I cannot rule that there is a personal interest."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. Perhaps it would be useful to add to the comments of Senator Clarke some floor debate from May 2nd, 1979, also by Senator Clarke, in which he said every member of the legislature has to have a personal interest in redistricting because it affects his political future.

"Now it has been a fundamental premise in reality, that when such a situation arises, a legislator should not vote upon that type of thing. But I think that is good guidance for each one of us as we deal with these matters."

POINT OF INQUIRY

Senator Hughes: Senator Metcalf, you produced an awful lot of geometric oddities in this program and I just wondered . . ."

Senator Metcalf: What's your question, Senator?"

Senator Hughes: "I would like to finish, Senator Metcalf, without being interrupted.

"I would appreciate it if you would explain how you could develop this pimple, this little extension, whatever you want to call it, how you can explain that to the people that are here, to the press, and to the public."

Senator Metcalf: "Thank you, Senator. Had you been listening before when I explained it, you would have know but I will explain it again. The geographer had taken in a substantial amount of Montlake Terrace and Snohomish County. We reduced that amount when we, in this bill, but it was correcting of his work previously that was the reason."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendments by Senators Charnley and Fleming.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallaghan, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 5, line 30, after "T 713.02" strike the rest of the line.

On page 6, strike all of lines 4 and 5.

On page 22, strike all of line 19.

On page 22, line 23, after "T 731.01" strike the rest of the line.

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger to pages 5, 6 and 22.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 5, line 33, strike all of line 33 and insert "T 715.01 (part: 207, B 224 and B 226), T 713.02 (part: B 304)"

On page 25, line 29, after "2," add "3,"

On page 25, line 27, delete "(part: B 304)" and on line 28, after "T 715.01" add (except B 207, B 224, B 226)"

Debate ensued.

The motion of Senator Bottiger failed and the amendments were not adopted.

There being no objection, on motion of Senator Hurley, an amendment to page 7 on the desk of the Secretary of the Senate was withdrawn.

There being no objection, amendments on the desk of the Secretary of the Senate by Senator Hughes and Senator Wilson were withdrawn.

There being no objection, amendments by Senator Bottiger to page 10, line 26; page 11, striking all of lines 1 through 9; page 15, striking lines 30 and 31 and inserting; and page 16, striking all of lines 1 through 11 on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Metcalf, the following amendment was adopted:

On page 11, strike line 29

Senator Hansen moved the following amendments be considered and adopted simultaneously:

On page 13, after line 22, insert "Soap Lake City ED 0386A Ephrata City (part: B G 1 and 2)"

On page 13, strike lines 27, 28 and 29.

On page 14, strike all of lines 1, 2 and 3 and insert "All of Kittitas County"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Newhouse yield to a question? Would the town of Orting, Senator Newhouse, in Western Washington, qualify for a prohibition against division?"

Senator Newhouse: "I would think—I don't even know where Orting is."

Senator Bottiger: "It is smaller than Ephrata."

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Hansen.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

There being no objection, on motion of Senator Hansen, amendments to page 13, lines 18, 19, 22, 27, 28 and 29; page 14, lines 1, 2 and 3; also page 14, line 8 on the desk of the Secretary of the Senate were withdrawn.

Senator Hansen moved the following amendments by Senators Hansen and Wilson be considered and adopted simultaneously:

On page 56, line 1, strike "Fourth" and insert "Fifth"

On page 56, strike lines 7 and 8

On page 56, strike all material after line 11 down and through line 11 on page 57 and insert:

"All of Spokane County.

In Grant County: Coulee City Division; Grand Coulee Division; Soap Lake City; ED 0386A; Ephrata City (part: B G 1 and 2); Gloyd Division; Wilson Creek Division.

In Adams County: Ritzville Division; Lind-Washtucna Division.

In Whitman County: Rosalia Division; Colfax-Palouse Division; Steptoe Division; Tekoa Division; Rock Lake Division."

On page 57, line 12; strike "Fifth" and insert "Fourth"

On page 57, strike line 14

On page 57, strike all material after line 20 down and through line 23 on page 59 and insert:

"All of Kittitas County

All of Yakima County.

All of Klickitat County.

All of Skamania County.

All of Grant County except that part included in the fifth congressional district.

All of Adams County except that part included in the fifth congressional district.

All of Whitman County except that part included in the fifth congressional district"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Hansen and Wilson.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Bottiger moved the following amendments be considered and adopted simultaneously:

On page 17, line 22, after "19" strike "-A"

On page 18, section 29, strike all of lines 5 and 6 and renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Metcalf yield to a question? I am curious as to why, if you believe that the rural district should be divided A-B, why aren't they divided A-B so that all districts are treated alike? It seems to me this is the very kind of thing that leads to court contests because it shows some different reason for doing it than the reason that you stated for doing it."

Senator Metcalf: "Senator Goltz, there is no problem with the court. The courts have ruled in other states when this has been litigated that A and B districts can be done in some areas and not in others. I do believe in this as a political philosophic principle. Since this did not involve Senators and my responsibility is more in the Senate, I did not—I was busy with other areas and did not pursue that one particularly. I do defend the concept of A-B districts. Frankly, if we could, I would like to have had one district that had A, B and C and get back to 49 members in the House but that would change the population to the extent that we thought it might subject it to a court challenge so we didn't do it."

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognlid, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

On motion of Senator Bottiger, an amendment to page 21, line 9 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Metcalf, the following amendment was adopted:

On page 16, line 7, strike "B 319" and insert:

"that part of B 319 outside the city of Kennewick, B 320"

Senator Metcalf moved adoption of the following amendment:

On page 18, line 31, after "T 118" strike all material down to and including "Range 1W)" on page 19, line 1

Debate ensued.

The motion by Senator Metcalf carried and the amendment was adopted.

On motion of Senator Metcalf, the following amendments were adopted:

On page 19, line 5, after "Range 1W" insert ", and the"

On page 20, strike lines 16 and 17

On page 24, strike all of line 4

On page 24, after line 11, strike all of lines 12, 13, 14 and 15, and insert in column: "T 620, T 621, T 622, T 623, T 633"

On page 24, after line 25, insert: "T 716 (part: the part of B 110 in the city of Tacoma)"

On page 25, after line 12, insert in column: "T 511, T 618"

On page 25, strike all of lines 14, 15, 16, and 17

On page 25, after line 20, insert in column: "T 627, T 628, T 629"

On page 25, strike all of line 24

On page 25, line 30, after "415" strike all material down to and including "Tacoma" on line 31

On page 28, strike line 19

On page 31, strike lines 10, 11, and 13

Senator Metcalf moved the following amendments be considered and adopted simultaneously:

On page 33, after line 4, insert: "T 78 (part: B106, 112, 120, 126, BG 2, 3, 4, 5)"

On page 33, line 5, after "part:" strike all material down to and including "BG" on line 6, and insert "BG 1, 2,"

Debate ensued.

The motion by Senator Metcalf carried and the amendments were adopted.

On motion of Senator Metcalf, the following amendments were adopted:

On page 36, line 17, strike "BG 300" and insert: "BG 3"

On page 38, line 19, after "T 78", insert "(part: BG 6, 7, B 103, 110, 117, 121-125)"

On page 39, line 2, after "T 94" strike all material down to and including "Atlantic St.)" on line 4

Senator Metcalf moved adoption of the following amendment:

On page 35, line 32, after "(part:" strike all material down to and including "Highway" on line 33, and insert "BG 2, B 114-117, 120, 915-918, and the part of B 724 east of the extension of 46th Avenue S.E."

On motion of Senator Metcalf, the following amendment to the amendment was adopted:

On the last line of the Metcalf amendment to page 35, line 32, strike "46th" and insert "45th"

The amendment by Senator Metcalf, as amended, was adopted.

On motion of Senator Bottiger, an amendment to page 21, line 13; and page 30, line 33 on the desk of the Secretary of the Senate was withdrawn.

Senator Woody moved adoption of the following amendment:

On page 35, line 9, after "39" strike "-A" and strike all of lines 24, 25 and 26 and renumber the remaining sections accordingly.

Debate ensued.

The motion by Senator Woody failed and the amendment was not adopted.

There being no objection, on motion of Senator Wojahn, an amendment to page 24, line 13 and line 15; also page 25, line 14 and 15 on the desk of the Secretary of the Senate were withdrawn.

Senator Lysen moved adoption of the following amendment:

On page 29, line 4, strike "T 273" and on line 5, strike "T 274 (part: BG 1, 2, B 301-306, 308, BG 6)" and following line 5, add "T 276 (part: B 101-114, 607-617, BG 7)" and on page 30, following line 20, add "T 279" and following line 20, add "T 274 (part: BG 1, 2, B 301-306, 308, BG 6)" and on line 24, strike "T 276 (part: B 101-114, 607-617, BG 7)" and on line 23 strike "T 276"

POINT OF INQUIRY

Senator Lysen: "In the interests of competition, Jack, do you think you could go for that? You are a free enterpriser. You ran for the U.S. Senate on that basis. Does Senator Metcalf yield?"

Senator Metcalf: "Your eloquence, Senator, almost won me over here, but I caught myself in time and I rise to . . ."

Senator Lysen: "No, your party caught you in time."

Senator Metcalf: ". . . oppose your amendment."

Senator Lysen: "You have basic instincts. Follow your instincts and you will be all right."

Senator Metcalf: "We tried to follow school district boundaries or community boundaries wherever we could, but the population requirements were such that we haven't been able to do that. We have followed population first, this is a pretty massive change and I would fear that it might mean the population imbalance which could risk the constitutionality of our bill and so I reluctantly oppose your amendment."

Senator Lysen: "Mr. President, I would be willing to make a motion to hold the whole thing over until next session so we can have a good opportunity to consider it and study it thoroughly. If that would be your preference I would certainly go along with that, Senator Metcalf."

Debate ensued.

Senator Lysen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Lysen.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Talmadge moved the following amendments by Senators Talmadge and Fleming be considered and adopted simultaneously:

On page 30, line 2, add "B101-117, 203"; strike "527-532;" add "527-533".

On page 33, line 18, strike "B61"; add "-120-123"; strike "B201-210"; add "B201, 202, 204-210" and on line 19, strike "533."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Talmadge and Fleming.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Moore moved the following amendments be considered and adopted simultaneously:

On page 32, following line 24, add "T66" and following line 30, add "T73"

On page 33, line 1, strike "T83"

On page 38, line 12, strike "T66"

On line 14 strike "T73" and following line 21, add "T83"

Debate ensued.

The motion by Senator Moore failed and the amendments were not adopted.

There being no objection, on motion of Senator Moore, the amendments to page 32, line 24, also page 38, line 7, on the desk of the Secretary of the Senate were withdrawn.

Senator Williams moved the following amendments by Senators Williams and Talmadge be considered and adopted simultaneously:

On page 43, line 33, strike all of NEW SECTION 62 and renumber remaining sections consecutively.

On page 45, line 24, strike all of NEW SECTION 67 and renumber remaining sections consecutively.

On page 70, line 35, after "Seattle" insert ": PROVIDED, That the districts as defined in this act shall not take effect until the first day immediately following adjournment of the 1982 regular legislative session."

MOTION

On motion of Senator Bottiger, the rules were suspended and Senator Williams was allowed additional time to explain the amendments.

POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, the problem is that that court-ordered redistricting did not have these sections in it. That is the suspicion we have. We don't know why they are in there in that language and that order unless there is an intent to do what Senator Talmadge has suggested. Now, for the purposes of legislative intent, Senator Talmadge was asking Senator Metcalf if he would respond. Is that what you intend?"

Senator Metcalf: "Thank you, Senator Bottiger. Our intention is that when a Senator is elected to represent a district, that district number, they will finish out the term as the Senator from that elected number. The same as we did before that Senator Clarke referred to. We have no intention of doing anything that would disturb that concept."

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Williams and Talmadge.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Goltz moved the following amendments by Senators Peterson and Goltz be considered and adopted simultaneously:

On page 11, line 13, strike all material through "39" on line 33.

On page 36, line 14, strike all material through "district" on line 15 and insert "In Skagit County: ED 1-11, ED 25, 28, 29, 30, 32, 36-39" and on line 16, following "County:" strike all material through "10" on line 20 and following line 22 insert "T 101, T 102, T 105, and T 107".

On page 37, line 23, strike all material through "108" on line 34, and insert "T 8, T 9, T 10, T 103, T 104, T 106, T 108"

Debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Peterson and Goltz.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Senator Talmadge moved adoption of the following amendment:

On page 71, line 35, delete all of section 83 and renumber the sections accordingly.

Debate ensued.

The motion by Senator Talmadge failed and the amendment was not adopted.

Senator Talmadge moved adoption of the following amendment:

On page 72, line 10, delete all of section 84 and renumber the sections accordingly.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

On motion of Senator Rasmussen, the following amendment was adopted:

On page 72, line 15, strike "majority leader" and insert "President"

Senator Bottiger moved adoption of the following amendment:

On page 72, line 24, strike Sec. 87.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Metcalf explain why we should have an emergency clause on it, what is the urgency of it? Would anyone explain why? Well, I guess there is no reason for doing it then."

(Senator Metcalf declined to yield.)

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 3655 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

At 5:17 p.m., on motion of Senator Clarke, the Senate was declared to be at ease.

The President called the Senate to order at 6:03 p.m.

The Senate resumed consideration of Substitute Senate Bill No. 3655.

Further debate ensued.

Senators Newhouse, Quigg and Gallagher demanded the previous question.

Senator Bottiger demanded a roll call.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

PERSONAL PRIVILEGE

Senator Hansen: "People, I am surprised at what is going on here. You don't even give us the courtesy to tell you what we really think of your plan and this 25 to 24 vote. We put out good amendments, ones that should be put out. For Congressman Foley. The ones that I have put out that tie their communities back together,

and we are tied in with a 25–24 vote and I can't believe that you can honestly sit over there and . . ."

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I indeed think it is a point of personal privilege when I am the only minority on this floor and something is going to take place that might be somewhat adverse to me and the minority community of this state and not have an opportunity to express that on this floor and not have an opportunity to express it in the committee in which this bill was held, I think that is personal to me and a community in which I represent, and I just wanted to say on that point of personal privilege I resent that."

POINT OF INFORMATION

Senator Ridder: "Will you repeat the results of the last vote?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary will please repeat the results of the last vote."

Secretary: "Twenty–six yeas, twenty–three nays."

Senator Ridder: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3655, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, von Reichbauer, Woody, Zimmerman—27.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Haley, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn—22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, what has occurred tonight and in the past few days with this redistricting bill not only offends me but embarrasses me and I think it is an embarrassment to the citizens of the state of Washington. A bill so critical that it will be . . ."

President Cherberg: "Senator Gaspard, the President must remind you that your remarks must be strictly personal to you and not to any issue before the Senate."

Senator Gaspard: "This is very personal to me, Mr. President, that we have passed a bill without any public debate. We have cut off debate here tonight, and I think this is evidence that there is something very, very wrong in Olympia."

MOTIONS

On motion of Senator Clarke, the Senate dispensed with the Call of the Senate.
On motion of Senator Clarke, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

April 21, 1981.

SUBSTITUTE HOUSE BILL NO. 747, modifying the taxation of nonprofit youth organizations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Scott, Chairman; Craswell, Vice Chairman; Bluechel, Deccio, Fleming, Haley, Jones, Lee, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 22, 1981.

KAREN B. CONOLEY, to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor on January 27, 1981 for the term ending April 15, 1982, succeeding Jacob J. Parker (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

WILLIAM E. HENRY, to the position of Chairman of the Board of Prison Terms and Paroles, appointed by the Governor on January 27, 1981 for the term ending April 15, 1985, succeeding Diane Oberquell (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

CHARLES E. ROBINSON, to the position of Member of the State Jail Commission, appointed by the Governor on February 27, 1981 for the term ending October 7, 1983, succeeding Saul Arrington (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

LES CONRAD, to the position of Member of the State Jail Commission, appointed by the Governor on February 27, 1981 for the term ending October 7, 1983, succeeding Bernie Whitebear (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

WALTER T. HUBBARD, to the position of Member of the Board of Prison Terms and Paroles, appointed by the Governor on April 16, 1981 for the term ending April 15, 1986, succeeding himself (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Pullen, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

DAVID P. THOMAS, to the position of Member of the Forest Practices Appeals Board, appointed by the Governor on April 8, 1981 for the term ending January 1, 1985, succeeding Cliff A. Barlament (reported by Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Gallagher, Chairman; Lee, Lysen, Patterson, Peterson, Rasmussen, Vognild, Zimmerman.

Passed to Committee on Rules.

April 22, 1981.

PHYLLIS M. KENNEY, to the position of Member of the State Jail Commission, appointed by the Governor on April 8, 1981 for the term ending October 7, 1983, succeeding Ernest I. J. Aguilar (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

April 22, 1981.

MS. ANN SANDSTROM, to the position of Member of the Judicial Qualifications Commission, appointed by the Governor on April 13, 1981, for a term ending at the pleasure of the Governor (reported by Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Clarke, Chairman; Hemstad, Vice Chairman; Hayner, Hughes, Newhouse, Shinpoch, Talmadge, Woody.

Passed to Committee on Rules.

MOTION

At 6:22 p.m., on motion of Senator Clarke, the Senate recessed until 8:00 p.m.

EVENING SESSION

The President called the Senate to order at 8:00 p.m.

MESSAGES FROM THE HOUSE

April 23, 1981.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 105,
 SUBSTITUTE HOUSE BILL NO. 285,
 HOUSE BILL NO. 371,
 HOUSE BILL NO. 372,
 HOUSE BILL NO. 468,
 SUBSTITUTE HOUSE BILL NO. 490,
 SUBSTITUTE HOUSE BILL NO. 491,
 SUBSTITUTE HOUSE BILL NO. 525,
 SUBSTITUTE HOUSE BILL NO. 570,

HOUSE BILL NO. 705, and the same are herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 425 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 388 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 169, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 228, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 266 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 314 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 276 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 320 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 427 and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 335, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 338, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 324, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTION HOUSE BILL NO. 61, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 178, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

April 23, 1981.

Mr. President: The House has concurred in the Senate amendments to ENCLOSED HOUSE BILL NO. 254, and has passed the bill as amended by the Senate.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 105,
SUBSTITUTION HOUSE BILL NO. 285,
HOUSE BILL NO. 371,
HOUSE BILL NO. 372,
HOUSE BILL NO. 468,
SUBSTITUTION HOUSE BILL NO. 490,
SUBSTITUTION HOUSE BILL NO. 491,
SUBSTITUTION HOUSE BILL NO. 525,
SUBSTITUTION HOUSE BILL NO. 570,
HOUSE BILL NO. 705.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3015,
SENATE BILL NO. 3046,
SENATE BILL NO. 3055,
SUBSTITUTION SENATE BILL NO. 3060,
SECOND SUBSTITUTION SENATE BILL NO. 3105,
SENATE BILL NO. 3109,
SENATE BILL NO. 3153,
SENATE BILL NO. 3183,
SENATE BILL NO. 3189,
SENATE BILL NO. 3191,
SENATE BILL NO. 3265,
SUBSTITUTION SENATE BILL NO. 3299,
SENATE BILL NO. 3580,
SUBSTITUTION SENATE BILL NO. 3584,
SENATE BILL NO. 3740,
SENATE BILL NO. 3776,
SUBSTITUTION SENATE BILL NO. 3778,
SUBSTITUTION SENATE BILL NO. 3780,
SENATE BILL NO. 3785,
SENATE BILL NO. 4027,

SENATE BILL NO. 4348.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Substitute House Bill No. 175.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 175, by House Committee on Revenue (originally sponsored by Representatives Fancher, Bond, Scott, Martinis, Flanagan and Salatino):

Modifying provisions on timber taxation.

The bill was read the second time by sections.

On motion of Senator Craswell, the rules were suspended, Substitute House Bill No. 175 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Craswell, for the small property owners, the small tax people, is there any relief in them for the difference between the market value and what actually a small property tax owner receives?"

Senator Craswell: "Senator Bottiger, there is another bill, House Bill 145, that does address that. This bill treats all timber owners and . . . the same."

Senator Bottiger: "Where is this House Bill 145?"

Senator Craswell: "I believe it is on the calendar."

MOTION

Senator Bottiger moved that further action on Substitute House Bill No. 175 be deferred following consideration of House Bill No. 145.

POINT OF INQUIRY

Senator Talley: "We have got to extend this timber tax. You know, it runs out in June. I don't want to monkey around here and end up with no tax at all."

Senator Bottiger: "Senator Talley, I agree with you. The greatest tragedy that could happen in the state is that we let this timber tax expire, but at the same time there are an awful lot of small property tax owners that, if we pass this bill without the other bill, they are going to have a substantial tax increase and I think we ought to couple those two bills together because I am not going to vote for 175 unless I know that 145 is going to happen."

Senator Talley: "That is fine as long as we get one or the other."

Further debate ensued.

POINT OF ORDER

Senator Ridder: "Ordinarily we have on our calendar a report of the committee and those who signed it out. I don't see this on this particular bill. Could you tell me the date it was signed out and by whom, please?"

President Cherberg: "It was reported out April 21, 1981."

Senator Ridder: "Okay. Through the Ways and Means Committee?"

President Cherberg: "Ways and Means."

Senator Ridder: "And can you tell me who signed it out please?"

President Cherberg: "A majority Do Pass signed, nine members."

Senator Ridder: "May I have the names?"

President Cherberg: "The Journal Clerk will obtain the information."

Senator Ridder: "Okay, thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Ridder: "Would Senator Hayner yield? I would like to ask a question. I would like to know if there is any significance in scheduling in the fact that 145 seems to have the six and one-half percent amendment that simply is there and 175 has the six and one-half percent amendment that has a two-year termination. Is it your thought that that is more important than the indefinite extension? Your silence speaks loudly."

(Senator Hayner declined to yield.)

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that further action on Substitute House Bill No. 175 be deferred following consideration of House Bill No. 145.

POINT OF INQUIRY

Senator Hansen: "Before this comes up to a vote, I would like to ask one question. I don't know who wants to answer it but the leadership on the other side of the aisle — what assurance, if we vote on 175 now, are you giving me assurance that we will be voting on 145 before this Legislature stops?"

Senator Hayner: "Mr. President, we have before us quite a number of schedules. We would like to get to almost all of those bills because they were priorities for all of us, and it will depend on how much time we have left between now and Sunday at 12 p.m."

Senator Hansen: "Senator, we would have — 145 and 175 in the time we have been arguing over this, so all I am asking is an assurance that we will be voting on 145 which will take all of two minutes."

Further debate ensued.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 175.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 175, and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson,

Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Zimmerman—32.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Hughes, Hurley, Lysen, McDermott, Moore, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—17.

SUBSTITUTE HOUSE BILL NO. 175, 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.

MOTIONS

Senator Bottiger moved the Senate now consider Substitute House Bill No. 145.

Senator Clarke moved the motion by Senator Bottiger be laid upon the table.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the motion by Senator Bottiger to now consider Substitute House Bill No. 145 be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talley, von Reichbauer, Zimmerman—26.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

MOTION

On motion of Senator Clarke, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 1981.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 3359, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010 are each amended to read as follows:

Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) (~~"Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall)~~ "Department" means the Washington (~~toll bridge authority~~) department of transportation as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Commission" means public employment relations commission;

(3) "Ferry" (~~((staff))~~) means any ferry, ferry system, wharves, or terminals constructed or acquired under the authority of the Washington (~~((toll bridge authority))~~) department of transportation;

(4) "Employee" (~~((staff))~~) means any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington (~~((toll bridge authority))~~) department of transportation.

NEW SECTION. Sec. 2. There is added to chapter 47.64 RCW a new section to read as follows:

(1) The department shall employ such persons as are necessary for the safe and efficient operation of the state ferry system in accordance with the state-wide marine classification and compensation plan adopted by the state personnel board pursuant to section 7 of this act. The department may allocate and reallocate positions within the classification plan as it deems necessary.

(2) The transportation commission shall adopt personnel rules for the employees of the ferry system governing hours, working conditions, recruitment, appointment, promotion, demotion, discipline, dismissal and all other personnel matters which are within the discretion of the commission, and not determined by the classification and compensation plan. The department shall administer the personnel rules so adopted, and shall from time to time propose to the commission such changes to the rules as are in the best interests of the public.

(3) The public employment relations commission shall adjudicate all complaints, grievances, and disputes concerning labor arising out of the operation of the ferry system in the best interests of the efficient operation of the ferry system in accordance with the authority vested in it by chapters 41.56 and 41.58 RCW. The commission shall conclusively determine labor disputes arising out of the application of personnel policies by the department and all other personnel matters over which the department may lawfully exercise discretion. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing who shall represent him in all respects before the commission.

NEW SECTION. Sec. 3. There is added to chapter 47.64 RCW a new section to read as follows:

(1) For purposes of efficient, dependable, and equitable personnel management, the provisions of this chapter and the state-wide maritime classification and compensation plan adopted by the state personnel board shall apply, after the effective date of this act, to the employees of the Washington state ferries.

(2) The employees of Washington state ferries under this chapter shall continue to have the right to affiliate with the employees' existing unions or other employee organizations of their choice and shall have the right to bargain collectively with the department of transportation regarding grievance procedures and all personnel matters over which the department of transportation may lawfully exercise discretion.

(3) This chapter shall not affect the provisions of any existing collective bargaining agreement entered into prior to the effective date of this act, or any order of the public employment relations commission issued prior to the effective date of this act.

(4) Each employee of the Washington state ferries shall remain subject to the classification and compensation provisions of the applicable collective bargaining agreement in effect on the effective date of this act, until the termination of the collective bargaining agreement and thereafter until the employee's position has been duly classified and incorporated into the state-wide maritime classification and compensation plan by the state personnel board and department of personnel.

(5) No permanent employee of the Washington state ferries may be required to pass a competitive examination to retain the position held by the employee on the

effective date of this act, or held by the employee on the termination date of a collective bargaining agreement in force on the effective date of this act which governs the conditions of employment of the employee, whichever date is later.

NEW SECTION. Sec. 4. There is added to chapter 47.64 RCW a new section to read as follows:

(1) It is unlawful for any employee of the Washington state ferry system or any employee organization, representing such employees, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike.

(2) "Strike" means concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions or compensation or the rights, privileges, or obligations of employment.

(3) If an employee, a group of employees, an employee organization or any officer, agent, or representative of any employee organization engages in a strike in violation of subsection (1) of this section or if there is a clear, real, and present danger that such a strike is imminent, the state of Washington may file suit to restrain or enjoin the strike in the superior court having proper jurisdiction and proper venue of such actions in accordance with superior court civil rules.

(4) In the event of any violation or imminently threatened violation of subsection (1) of this section, any citizen domiciled within the jurisdictional boundaries of the state of Washington who is or may be affected by the violation may petition the superior court for the county in which the violation occurs for a restraining order or an injunction in accordance with superior court civil rules. The plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest.

(5) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the court shall immediately hear contempt proceedings in accordance with superior court civil rules.

(a) An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the employee group in violation. In no event may the fine exceed two thousand five hundred dollars for each calendar day that the violation is in progress.

(b) Each officer, agent, or representative of an employee organization or employee found to be in contempt of court for violating an injunction against a strike, shall be fined not less than fifty dollars nor more than two hundred dollars for each calendar day that the violation is in progress.

(6) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(7) The court may receive and collect any fines imposed pursuant to this section and disburse such funds pursuant to law.

NEW SECTION. Sec. 5. There is added to chapter 47.60 RCW a new section to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, including the Hood Canal bridge, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing fiscal year. The commission on or before April 1st shall adopt as a rule, in the manner provided by the

Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing twelve-month period commencing May 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, May 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

Sec. 6. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject

to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, (~~That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW. PROVIDED FURTHER,~~) That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:

(1) The state personnel board shall adopt and from time to time revise a state-wide marine classification and compensation plan for all positions in the Washington state ferry system, based on an investigation and analysis of the duties and responsibilities of each such position, which shall be accomplished generally in the manner prescribed in RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission and department of transportation for their use, and the department may allocate and reallocate positions within the classification plan as it deems necessary for the efficient operation of the ferry system.

(2) In each even-numbered year the department of personnel shall prepare a comprehensive salary and fringe benefit survey plan for ferry system employees, generally in the manner prescribed by RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission for its use in preparing the department of transportation budget for submission to the legislature, and a copy of the data and supporting documentation shall be submitted to the legislative transportation committee.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. There is appropriated to the department of personnel for the biennium ending June 30, 1983, from the motor vehicle fund, the sum of twenty thousand dollars or so much thereof as may be necessary, to prepare recommendations to the state personnel board for the classification of the positions of employees of the Washington state ferries in accordance with section 7 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; and

(2) Section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "ferry system;" strike the remainder of the title and insert "amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; adding a new section to chapter 41.06 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 8, chapter 24, Laws of 1972 ex. sess. and RCW

47.60.325; repealing section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030; prescribing penalties; making an appropriation; and declaring an emergency.", and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

MOTION

Senator von Reichbauer moved the Senate concur in the House amendment with the exception of the amendment to section 4, subsection (5) (b), on page 7, lines 22-30.

MOTION

At 8:44 p.m., on motion of Senator Clarke, the Senate recessed until 8:57 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 8:57 p.m.

The Senate resumed consideration of the motion by Senator von Reichbauer that the Senate concur in the House amendment with the exception of the amendment to section 4, subsection (5) (b), on page 7, lines 22-30 to Engrossed Senate Bill No. 3359.

Senator Bottiger moved the question be divided.

PARLIAMENTARY INQUIRY

Senator Charnley: "Mr. President, I am not sure whether my logic follows this. It would seem to me logical to consider these two motions in just the reverse order, to first consider the portion that we are not concurring in which is a portion of the total thing, and then aye or nay on that and then vote for the full — to concur in the whole motion. Now I am simply asking the question, whether there is any sense or order one way or the other."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that it would be perfectly in order for the Senate to concur in the House amendments to the measure with the exception of the Section 4, subsection 5, page 7, lines 22 through 30 and then consider that."

The motion by Senator Bottiger carried. The question was divided.

Senator Bottiger moved the Senate do not concur in the House amendment to section 4, subsection (5) (b) on page 7, lines 22-30.

Senator Ridder demanded a roll call and the demand was sustained.

Debate ensued.

PERSONAL PRIVILEGE

Senator Charnley: "I believe that last remark was directed to me as anybody else. I first raised the question about how to properly approach on this and I am trying to help this body move expeditiously through this legislation, not to hold things up, and I resent very much that implication. Thank you."

Debate ensued.

PERSONAL PRIVILEGE

Senator Ridder: "Personally, I find it hard to maintain my righteous indignation if you are going to address me in such a fashion. I simply asked for a roll call because I thought that we should have it, Senator Jones."

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate do not concur in the House amendment to section 4, subsection (5) (b), on page 7, lines 22–30 to Engrossed Senate Bill No. 3359.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Charnley, Clarke, Conner, Fleming, Fuller, Gallagher, Gaspard, Goltz, Gould, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McCaslin, McDermott, Moore, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—42.

Voting nay: Senators Craswell, Deccio, Metcalf, Newhouse, Patterson, Pullen, Scott—7.

MOTION

Senator von Reichbauer moved the Senate concur in the remainder of the House amendment.

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate concur in the House amendment with the exception of the amendment to section 4, subsection (5) (b) on page 7, lines 22–30 to Engrossed Senate Bill No. 3359.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 25; nays, 23; absent or not voting, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Wilson, Wojahn, Woody—23.

Absent or not voting: Senator Williams—1.

The Senate concurred in the House amendment with the exception of section 4, subsection (5) (b) on page 7, lines 22–30, to Engrossed Senate Bill No. 3359.

MOTION

On motion of Senator Clarke, the Senate commenced consideration of Senate Joint Resolution No. 108.

SECOND READING

SENATE JOINT RESOLUTION NO. 108, by Senators Haley, Scott, Gould, Woody, Fuller, Lee and Charnley:

Amending the constitution to establish a redistricting commission.

MOTIONS

On motion of Senator Pullen, Substitute Senate Joint Resolution No. 108 was substituted for Senate Joint Resolution No. 108 and the substitute resolution was placed on second reading and read the second time in full.

Senator Haley moved adoption of the following amendment:

On page 1, line 4, beginning with "THAT," strike the remainder of the substitute joint resolution and insert the following:

"THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington, by repealing Article XXVII, section 13 and amending Article II, section 3 thereof to read as follows:

Article II, section 3. (~~The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.))~~

(1) In July of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts as are required by law.

(2) The commission shall be composed of five members to be selected as follows: Each leader of the two largest political parties in each house of the legislature shall appoint one member to the commission by July 1st of each year ending in one. If there are more than two political parties in a house, then the leader of the second largest party has no power of appointment, and the members of the political parties, excluding the party with the largest share of legislators, shall elect a legislator who shall appoint a member of the commission. Within thirty days, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member shall be a nonvoting member of the commission and act as its chairperson. No elected official may serve on the commission. The legislature may enact laws providing additional qualifications for commissioners and prescribing additional standards to govern the commission.

The legislature shall appropriate funds to enable the commission to carry out its duties. The commission shall act as the legislature's recipient of redistricting data and maps from the United States Bureau of the Census. Upon receipt of the data and maps, the commission shall promptly provide copies to the secretary of the senate and chief clerk of the house of representatives.

(3) Each district shall contain a population, excluding nonresident military personnel and their dependents, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, and political subdivision boundaries. The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn for the purpose of favoring any political party, incumbent legislator, or other person or group.

(4) Each commission shall complete redistricting as soon as possible following the federal decennial census, but no later than December 1st of each year ending in one. At least three of the voting members shall approve such redistricting. If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by January 1st of each year ending in two in conformance with the standards set forth

in subsection (3) of this section. The redistricting completed by the commission, as revised by or pursuant to court order, constitutes the districting and apportionment law applicable to this state for legislative and congressional elections. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census. The legislature has no power to establish or change any legislative district.

(5) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(6) Each commission shall cease to exist on July 1st of each year ending in two. However, the supreme court may order the commission to exist for a specified duration after July 1st in order to complete or correct its redistricting.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Pullen moved the following amendments to the amendment by Senator Haley be considered and adopted simultaneously:

On page 2, line 5, after "state legislative" strike "and congressional"

On page 4, line 15, after "legislative" strike "and congressional"

On page 4, line 25, strike "congressional and"

Debate ensued.

The motion by Senator Pullen carried and the amendments were adopted on a rising vote.

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Haley:

On page 2, line 6, delete the period and insert ": PROVIDED, That the commission shall be established on January 1, 1982 to provide for the redistricting of state legislative districts as are required by law for the 1982 legislative elections."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Haley yield? Senator Haley, please accept this as a friendly question. I detect with respect to your remarks that you have not been particularly exhilarated by the recent redistricting ruckus that we have gone through here now and I guess my question is, why should your amendment not be applied to the forthcoming redistricting? There is obviously time to set up a commission and have it develop a plan in advance of the 1982 election. What good reason is there, then, to defer it until 1990 which is nine or ten years off? If it is a good plan which you have sponsored, why shouldn't it be put into effect now rather than ten years from now?"

Senator Haley: "Well, the majority here today was that this Legislature do the redistricting for this time. That is the best answer I can give you. You know how I voted on that whole matter."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge to the amendment by Senator Haley.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognilid, Williams, Wilson, Woody—23.

Voting nay: Senators Benitz, Blucchel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Absent or not voting: Senator Wojahn—1.

MOTION

Senator Bottiger moved that Substitute Senate joint Resolution No. 108 together with the pending amendment by Senator Haley as amended by Senator Pullen be held for consideration at the end of the second reading calendar for April 24, 1981.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that Substitute Senate Joint Resolution No. 108 together with the pending amendment by Senator Haley as amended by Senator Pullen be held for consideration at the end of the second reading calendar for April 24, 1981.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21, nays, 27; absent or not voting, 1.

Voting yea: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Rasmussen, Ridder, Shinpoch, Talley, Vognild, Williams, Wilson, Wojahn, Woody—21.

Voting nay: Senators Benitz, Bluechel, Charnley, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, Talmadge, von Reichbauer, Zimmerman—27.

Absent or not voting: Senator Peterson—1.

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Haley:

On page 3, line 18, delete "reasonable" and insert "possible"

Debate ensued.

The motion by Senator Talmadge failed and the amendment to the amendment by Senator Haley was not adopted.

MOTIONS

Senator McDermott moved that further action on Substitute Senate Joint Resolution No. 108 be deferred and placed at the beginning of the second reading calendar for April 24, 1981.

Senator Clarke moved the motion by Senator McDermott be laid upon the table.

At 10:28 p.m., Senator Bottiger moved the Senate adjourn until 10:30 a.m., April 24, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate adjourn until 10:30 a.m., April 24, 1981.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

The President declared the question before the Senate to be the motion by Senator Clarke that the motion by Senator McDermott to defer further action on Substitute Senate Joint Resolution No. 108 at the beginning of the second reading calendar for April 24, 1981 be laid upon the table.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Clarke that the motion by Senator McDermott to defer further action on Substitute Senate Joint Resolution No. 108 at the beginning of the second reading calendar for April 24, 1981 be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Voting nay: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

The motion by Senator McDermott was laid upon the table.

Senator Gould moved adoption of the following amendment to the amendment by Senator Haley:

On page 3 of the Haley amendment, beginning on line 28, after "competition," strike all the matter down through "group," on line 32.

POINT OF ORDER

Senator Metcalf: "Senator McDermott knows that he is in violation of Reed's Rule 224, reference to another legislative branch, and I think his remarks are inappropriate for that matter. I have noticed that on numerous occasions he has referred to the other house and I have refrained from calling point of order but I am going to call it every time from now on because I just do not think it is proper and it is against the rules."

The motion by Senator Gould carried and the amendment to the amendment was adopted.

PARLIAMENTARY INQUIRY

Senator Pullen: "We are working on Senator Haley's amendment now which is a striking amendment and I also see before us another striking amendment by Senator Metcalf. In the event that the Haley amendment is adopted, would that preclude us from considering the Metcalf amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President believes that if the Haley amendment prevails, that that will be it."

On motion of Senator Hayner, the following amendments to the amendment by Senator Haley were adopted:

On page 3, line 14, strike "nonresident" and insert "transient"

And on line 14, following "personnel" strike "and their dependents"

The motion by Senator Haley carried and the amendment, as amended, was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved the Senate reconsider the vote by which the amendment by Senator Haley, as amended, was adopted.

PERSONAL PRIVILEGE

Senator Wilson: "Mr. President, I feel personally that all of us should be grateful that though there are about three and one-half million citizens of Washington state, only 37 are in the gallery watching the performance tonight."

MOTION

At 11:00 p.m., Senator Fleming moved the Senate adjourn until 8:30 a.m., April 24, 1981.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming that the Senate adjourn until 8:30 a.m., April 24, 1981.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bottiger, Charnley, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "I thought I heard the President say that he would not recognize any motion to adjourn other than from the majority party. I, Mr. President, would not like that to be in the record because it is my understanding a motion to adjourn is in order always; and the other thing is, Mr. President, sometimes good sense prevails when you make that motion, and that was what my inquiry was. Is it your intention never to recognize . . .?"

REPLY BY THE PRESIDENT

President Cherberg: "The President will amend his statement and say if he determines it is a dilatory action."

Senator Rasmussen: "Thank you, Mr. President."

President Cherberg: "You are entirely welcome, Senator Rasmussen. It is a pleasure to do business with you."

The President declared the question before the Senate to be the motion by Senator Guess that the Senate reconsider the vote by which the amendment by Senator Haley, as amended, was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Would Senator Metcalf submit to a question? On your proposal here, Senator Metcalf, on subsection 4 on the second page, is it not possible that by having those dates that you listed in there, May 1 and then down on line 12, June 1, isn't that possibly an impossible date to be able to work with? In other words, when you say that it must be done in the year in which it is established, doesn't that mean within the calendar year within which you are establishing it?"

Senator Metcalf: "Yes."

Senator Zimmerman: "Isn't it such that you could be in a position where you would not be able to do that from the time standpoint? It just seems to me that you could very well find yourself in an impossible way to meet that criteria."

Senator Metcalf: "I considered that, Senator Zimmerman. The commission goes into effect on March 1 as far as being able to function. It doesn't have any power to do the job under this plan until the adjournment of the session but it does give it 60 days. Now your point is well taken and if an amendment would be offered to set that back till June 1, I would certainly have no objection, give them 90 days instead of 60 days. I wanted to keep it far enough ahead of the election so the auditors would have plenty of time to prepare because it will take them a while to prepare for the new districts, but I would have no objection to a date of June 1 there on line 32 on the second page."

Senator Zimmerman: "I guess I just would not be able to work unless you did change the date. I haven't prepared an amendment. It just seemed to me it was impossible to make it work."

POINT OF INQUIRY

Senator Lysen: "I have several questions about this that I think are—this is a legislative responsibility we are transferring to a commission and yet you are going to have the Governor appoint one from the executive branch. Isn't that a violation of the separation of powers and the same with the Chief Justice? These are two concerns I have with it."

Senator Metcalf: ". . . that is proper. This is a constitutional amendment and if we, if the Legislature approves it and the people adopt it, I think that that would be completely proper."

Senator Lysen: "Wouldn't it be similar of us appointing someone to the Governor's cabinet? Maybe I should ask Senator Hemstad or Senator Pullen about this."

The motion by Senator Guess carried and the Senate moved to reconsider the vote by which the amendment by Senator Haley, as amended, was adopted.

MOTION

On motion of Senator Bottiger, Senators Conner and Peterson were excused.

The President declared the question before the Senate to be adoption of the amendment by Senator Haley, as amended, on reconsideration.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Will Senator Hemstad yield? Senator Hemstad, at 10:15 at night, all I am trying to do is make an intelligent decision between the Haley and the Metcalf amendment. Now you are a trustworthy soul and would you kindly outline for this body very briefly the difference between these amendments so we can make a rational decision?"

Senator Hemstad: "I think, simply stated, the Haley amendment assigns the responsibility for redistricting to an independent commission now limited to legislative redistricting. The Metcalf amendment would give a first shot to the Legislature to do it. If it did not do it by, I believe it is March 1 in the present proposal, then it would at that point in the year in which it would first be addressed be transferred to a commission that would then have responsibility to proceed. So it is a two-step process with the Legislature having the first shot in the Metcalf amendment. It is exclusively a commission in the Haley amendment."

POINT OF INQUIRY

Senator McDermott: "It looks to me like on line 23 that it is not March 1. It says if the Legislature fails to accomplish either reapportionment or redistricting by the adjournment sine die of the complete regular session. That would sound like it was April 26, 1991 that we are talking about rather than March 15."

Senator Hemstad: "I believe you are correct. There would probably be a floor amendment to correct what would appear to be a deficiency in the amendment, but in any event the point is in separating out these, we are looking at a two-step process in the one situation as against the complete transfer of the authority in the other."

Further debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Haley, as amended, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted on reconsideration by the following vote: Yeas, 21; nays, 25; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Charnley, Fuller, Gallagher, Gould, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Wilson, Zimmerman—21.

Voting nay: Senators Bauer, Bottiger, Clarke, Craswell, Deccio, Fleming, Gaspard, Goltz, Guess, Hughes, Hurley, Lysen, McCaslin, McDermott, Metcalf, Moore, Rasmussen, Ridder, Shinoch, Talley, Talmadge, Vognild, Williams, Wojahn, Woody—25.

Absent or not voting: Senator Newhouse—1.

Excused: Senators Conner, Peterson—2.

Senator Metcalf moved adoption of the following amendment:

On page 1, line 3, after "ASSEMBLED" strike the rest of the SJR and add:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington, by amending Article II, section 3 to read as follows:

Article II, section 3. (~~The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety five and every ten years thereafter, and at the first session after such enumeration, and~~

~~also after each enumeration made by the authority of the United States; the legislature shall apportion and district anew the members of the senate and house of representatives; according to the number of inhabitants; excluding Indians not taxed; soldiers, sailors and officers of the United States army and navy in active service.))~~

(1) After each decennial census made by the authority of the United States, beginning with the 1990 census, the legislature shall provide for the reapportionment and redistricting of the state into as many state legislative and congressional districts as are required by law. If the legislature fails to accomplish either reapportionment or redistricting by the adjournment sine die of a complete regular legislative session following the release of the final census figures by the United States bureau of the census, the redistricting commission established under subsection (2) of this section shall assume the responsibility for the unfinished redistricting and/or reapportionment, precluding the legislature from further action thereon.

(2) No later than March 1st of the year in which the legislature is directed by subsection (1) of this section to provide for redistricting and reapportionment, a redistricting commission of seven members shall be appointed as follows:

(a) Each leader of the two largest political parties in each house of the legislature shall appoint one member;

(b) These four members, by an affirmative vote of at least three shall appoint a fifth member, who shall serve as chairman of the commission;

(c) The governor and the chief justice of the state supreme court shall each appoint one member.

No elected official may serve on the commission. The legislature shall establish by law the qualifications of commissioners and procedures for filling vacancies. The legislature shall further establish by law the duties and powers of the commission and shall appropriate funds to enable the commission to carry out its duties.

(3) Each district, whether defined by the legislature or by the commission, shall:

(a) Be of equal population as nearly as is practicable, excluding nonresident military personnel and their dependents;

(b) Be composed of convenient, contiguous territory;

(c) Be compact in form;

(d) Be separated from adjoining districts by natural geographic barriers or artificial barriers whenever possible;

(e) Be drawn to be consistent with the boundaries of local subdivisions and communities of interest wherever practicable;

(f) Be drawn without purposely favoring any political party, incumbent legislator, or other person or group; and

(g) Be drawn so that a precinct shall be wholly within a single representative, legislative, or congressional district.

The legislature may establish by law additional standards to guide the commission in preparing the redistricting plan.

(4) The commission shall adopt a redistricting plan approved by at least five members not later than May 1st of the year in which it is established. The commission shall file the plan with the secretary of state, whereupon it shall constitute the districting and apportionment law applicable to this state for legislative and/or congressional elections. The legislature may not amend such plan nor may it enact any law in conflict therewith.

(5) The supreme court shall have original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(6) The commission shall cease to exist on June 1st of the year in which it is established, unless extended by order of the state supreme court under a case involving the redistricting plan.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

On motion of Senator Pullen, the following amendment by Senator Pullen to the amendment by Senator Metcalf was adopted:

At the end of subsection (2) add an additional sentence as follows:

"The redistricting commission may work on redistricting while the legislature is in session, but may not adopt a redistricting plan until after legislative adjournment sine die, thereby giving the legislature the initial opportunity to accomplish redistricting."

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Metcalf:

On page 1, line 20, delete "1990" and insert "1980"

Senator Ridder demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Talmadge to the amendment by Senator Metcalf.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bottiger, Charnley, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Gould, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Scott, Sellar, von Reichbauer, Zimmerman—25.

Excused: Senator Conner—1.

Senator Pullen moved the following amendments to the amendment by Senator Metcalf be considered and adopted simultaneously:

At the end of line 22 and the beginning of line 23 of subsection (1), delete "and congressional"

On line 10 of subsection (5) after "involving" strike "congressional and"

On line 6 of subsection (4) after "legislative" strike "and/or congressional"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Metcalf, in view of the three choices, the Legislature, the court or the commission, after the experience today, what would be your preference?"

Senator Metcalf: "I truly believe, and this amendment provides, the Legislature gets the one shot at it. If they can't do it, then it goes to the commission. I don't want the court involved at all and that is why I support a commission."

Further debate ensued.

The motion by Senator Pullen carried and the amendment to the amendment by Senator Metcalf was adopted.

Senator Hayner moved the following amendments by Senators Metcalf and Hayner to the amendment by Senator Metcalf be considered and adopted simultaneously:

On page 1, line 23, strike "nonresident" and insert "transient"

On page 1, line 23, following "personnel" strike "and their dependents"

Senator Bottiger moved the following amendment to the amendment by Senators Metcalf and Hayner be adopted:

On page 1, line 23 after "dependents" insert "and resident registered in other states"

MOTION

On motion of Senator Ridder, Senator Gaspard was excused.

POINT OF INQUIRY

Senator Hayner: "Would Senator Bottiger respond to a question please? How do you identify whether or not these residents are registered to vote in another state?"

Senator Bottiger: "Senator Hayner, I don't. I just say that you strike Census Tract 720."

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendments by Senators Metcalf and Hayner was not adopted.

The motion by Senator Hayner carried and the amendments to the amendment by Senator Metcalf were adopted.

There being no objection, on motion of Senator Zimmerman, an amendment to Article I, section 3, sub (4) and sub (6) to the amendment by Senator Metcalf, on the desk of the Secretary of the Senate was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf, as amended.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Metcalf, as amended.

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendments by Senator Hayner was not adopted.

The motion by Senator Hayner carried and the amendments to the amendment by Senator Metcalf were adopted.

There being no objection, on motion of Senator Zimmerman, an amendment to Article II, section 3, sub (4) and sub (6) to the amendment by Senator Metcalf, on the desk of the Secretary of the Senate was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf, as amended.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Metcalf, as amended.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 22; nays 25; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Gallagher, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman—22.

Voting nay: Senators Bauer, Bottiger, Charnley, Fleming, Goltz, Gould, Hansen, Hughes, Hurley, Kiskaddon, Lysen, McDermott, Moore, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, Williams, Wilson, Wojahn, Woody—25.

Excused: Senators Conner, Gaspard—2.

On motion of Senator Talmadge, the rules were suspended and Substitute Senate Joint Resolution No. 108 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 108 and the resolution passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, Charnley, Craswell, Fleming, Fuller, Gallagher, Goltz, Gould, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Lysen, McDermott, Moore, Patterson, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody, Zimmerman—38.

Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Guess, McCaslin, Metcalf, Rasmussen—8.

Absent or not voting: Senator Newhouse—1.

Excused: Senators Conner, Gaspard—2.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 108, having received the constitutional two-thirds majority, was declared passed.

MOTION

At 11:58 p.m., on motion of Senator Clarke, the Senate adjourned until 9:00 a.m., Friday, April 24, 1981.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**APPENDIX, HISTORY OF BILLS
AND INDEX
FOLLOWS IN
VOLUME II OF
1981 REGULAR AND FIRST
EXTRAORDINARY SESSIONS
OF THE SENATE JOURNAL**

